



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.07.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **R.PONGIAPPAN**

Crl.O.P.[MD]No.7293 of 2020

Saravanan @ Karthirvel

...Petitioner/Defacto Complainant

Vs.

1.The Superintendent of Police,
Trichy District, Trichy.

2.The Deputy Superintendent of Police,
Musiri,
Trichy District.

3.The Inspector of Police,
T.Pettai Police Station,
T.Pettai,
Trichy District.

(Crime No.623 of 2020)

...Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, praying to direct the third respondent to withdraw the case in Crime No.623 of 2020 on the file of third respondent police and entrust the same to any other competent officer for fair and free investigation based on the petitioner's representation dated 07.07.2020

For Petitioner : Mr.K.Arunraj

For Respondents : Mr.S.Chandrasekar

Additional Public Prosecutor

O R D E R

This criminal original petition has been filed seeking a direction to the first respondent to withdraw the case in Crime No.623 of 2020 pending on the file of third respondent police and entrust the same to any other competent officer for fair and free investigation.

2.The learned counsel appearing for the petitioner would submit that before the third respondent on 27.06.2020 the petitioner lodged a complaint against one Ajay and Rajesh. Based on the same, a case has been registered in Crime No.623 of 2020, under Sections 294(b), 323 and 506(ii) I.P.C on the file of the third respondent. He would further submit that after registration of the case, the accused Ajay and Rajesh frequently met the petitioner and made a life threat. It is the grievance of the petitioner that if suitable action has not been initiated against those accused, the petitioner will be put to much hardship.

3.The learned Additional Public Prosecutor appearing for the respondents on instructions would submit that after registration of



the case, the accused now referred by the petitioner have filed petition for anticipatory bail before the District Munsif Court, Trichy. Due to which, the third respondent is not in a position to take immediate action against them. He would further submit that as of now the anticipatory bail application filed by the accused were dismissed and thereafter, the third respondent is taking steps to secure the accused. Moreover, he undertakes that suitable action will be taken on the complaint dated 27.06.2020.

4.On considering the rival submissions made by either side, no doubt, after registration of the case if the accused threatened the witnesses, the same is the best ground for detaining the accused in the judicial custody. In this case, the submission made by the learned Additional Public Prosecutor, is in support of the petitioner and thereby further orders are not necessary in this petition. Accordingly, the third respondent is directed to take suitable action against the accused only as per law..

5.In the said circumstances, transfer of investigation is not necessary. Hence, this Criminal Original petition is dismissed.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

cp

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Superintendent of Police,
Trichy District, Trichy.
- 2.The Deputy Superintendent of Police,
Musiri, Trichy District.
- 3.The Inspector of Police,
T.Pettai Police Station,
T.Pettai,Trichy District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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