



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.07.2020**

CORAM:

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

Cr1.O.P.[MD]No.7474 of 2020

K.Tharakeswaran

... Petitioner/
Defacto complainant

Vs.

1.The Superintendent of Police,
Trichy District.

2.The Deputy Superintendent of Police,
Thiruvarambur,
Trichy.

... 1st and 2nd Respondents

3.The Inspector of Police,
Thuvakudi Police Station,
Trichy.

... 3rd Respondent/
Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the first respondent to change the investigation in Crime No.905 of 2020 on the file of the third respondent to the second respondent.

For Petitioner	:	Mr.C.Vakeeswaran
For Respondents	:	Mr.S.Chandrasekar
		Additional Public Prosecutor

ORDER

This petition has been filed seeking direction to the first respondent to change the investigation in Crime No.905 of 2020 on the file of the third respondent to the second respondent.

2.The learned counsel appearing for the petitioner would submit that the petitioner belongs to the schedule caste. On the fateful day, one Jeyakumar and six others, due to the previous enmity demolished the wall which belongs to the petitioner situated on the eastern side of the house and when the same was questioned by the petitioner, the accused made a life threat and also they are using abusive words and committed the offences. In the said occurrence, the petitioner lodged a complaint before the third respondent, upon which, a case has been registered on



15.06.2020, in Crime No.905 of 2020, under Sections 147, 148, 294 (b), 427 and 506(ii) of I.P.C. As of now, investigation is pending. He would further submit that during the time of investigation, since the defacto complainant belongs to the scheduled caste, it is the duty vested upon the investigation officer to alter the charge under the provision of SC/ST Act. But in this case, without altering the charge, the third respondent proceeded the investigation. Aggrieved over the same, the petitioner is before this Court for the relief stated supra.

3.The learned Additional Public Prosecutor appearing for the respondents 1 to 3 would submit that in the alleged occurrence the persons, who committed an offence are also belonged to the scheduled caste and therefore, the offence under the provision of SC/ST Act does not made out against the accused.

4.In this regard, the learned counsel appearing for the petitioner denied the submission made by the learned Additional Public Prosecutor appearing for the respondents saying that the accused are not belonged to the scheduled caste.

5.Upon considering the arguments advanced by either side, since the case is at the stage of investigation, this Court is not in a position to give opinion in respect to the investigation conducted by the third respondent. No doubt, if the provision under the SC/ST Act is attracted, it is the duty of the third respondent to transfer the investigation to the second respondent. In the said circumstances, it would appropriate to give direction to the second respondent to monitor the investigation conducted by the third respondent in this case.

6.With the above directions, this Criminal Original petition is disposed of.

Sd/-

Assistant Registrar(AS)

// 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.

2.The Deputy Superintendent of Police,
Thiruvarambur,
Trichy.

3.The Inspector of Police,
Thuvakudi Police Station,
Trichy.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.C. VAKEESWARAN, Advocate (SR-13156[F] dated
17/07/2020)

CrI.O.P.[MD]No.7474 of 2020

NS (CO)

TR(30.07.2020) 3P 6C