



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.07.2020**

CORAM:

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

CrI.O.P.[MD]No.7901 of 2020

WEB COPY

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... Petitioner/Complainant

Vs.

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

2.The Inspector of Police,
Thalamuthunagar Police Station,
Tuticorin District.

3.The Inspector of Police,
CBCID, Tirunelveli.

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, direction to change the investigation agency from the hands of the second respondent to third respondent in respect of the Crime No.287 of 2020 on the file of the second respondent.

For Petitioner : Mr.C.Susi Kumar

For Respondents : Mr.S.Chandrasekar

Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking a direction to direct the first respondent to change the investigation agency from the hands of the second respondent to third respondent in respect of the case registered in Crime No.287 of 2020 on the file of the second respondent.

2.The learned counsel for the petitioner would submit that in the alleged offence, the husband of the petitioner was attacked by a group of person in which he sustained fracture and for which he is taking treatment in the hospital as inpatient till date. The second respondent police being a friend of one accused, had not taken any steps to secure the accused. Therefore, the change of investigation is necessary for securing the accused.

3.On the other hand, the learned Additional Public Prosecutor appearing for the respondents, on instructions, would submit that after registration of the case, the second respondent secured ten accused and sent to the remand. Further, one of the accused namely Viji has also been suspended based on the request made by the second respondent. Hence, in the said circumstances, the allegation made



against the second respondent as he has not properly conducted the investigation, is not a genuine one.

4. Upon considering the arguments advanced by either side, it is not in dispute that the case has been registered on 05.07.2020 and after registration of the case within 20 days ten accused were arrested and sent to the judicial custody. Therefore, it cannot be said the second respondent has lethargically handled the case registered in Crime No. 287 of 2020. However, it would be appropriate to give direction to the Deputy Superintendent of Police, Tuticorin Town, Tuticorin, to monitor the investigation in Crime No.287 of 2020.

5. Accordingly, this Criminal Original Petition is disposed of with the direction to the Deputy Superintendent of Police, Tuticorin Town, Tuticorin, to monitor the case registered in Crime No.287 of 2020 on the file of the second respondent.

Sd/-

Assistant Registrar (Crl.Side)

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/ /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,
Tuticorin District, Tuticorin.
2. The Inspector of Police,
Thalamuthunagar Police Station, Tuticorin District.
3. The Inspector of Police, CBCID, Tirunelveli.
4. The Deputy Superintendent of Police, Tuticorin Town, Tuticorin
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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