



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **26.08.2020**
CORAM:

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

Crl.O.P. (MD)No. 8747 of 2020

Senthil Kumar

... Petitioner

Vs.

1.The Superintendent of Police,
Sivagangai District.

2.The Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.

...Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the first respondent to appoint some other competent person other than the second respondent to investigate the case in Crime No.720 of 2020 on the file of the second respondent and further direct the first respondent to monitor the investigation.

For Petitioner : Mr.D.Venkatesh

For Respondents : Mr.S.Chandrasekar
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking direction to the first respondent to withdraw the investigation in Crime No.720 of 2020 on the file of the second respondent and entrust the same to any other competent Police Officer to investigate the above referred crime number.

2.The learned counsel appearing for the petitioner would submit that, after registration of the case, the second respondent police has not taken any effective steps to secure the suspected accused. Therefore, the petitioner suspected over the investigation and filed this application to change the Investigation Officer.



3.Mr.S.Chandrasekar, learned Additional Public Prosecutor appearing on behalf of the respondents 1 & 2, on instructions, would submit that after registering the case on 22.06.2020, so far the second respondent herein, examined 7 witnesses and recorded their statements. Further, he recovered material objects, which were found in the occurrence place and sent the same to the Forensic Department. A report has also been received from the Forensic Department, by the Investigation Officer. Therefore, it cannot be said that the second respondent did not conduct the investigation properly.

4.Upon considering the arguments advanced by either side, the averments found in the First Information Report discloses the fact that somebody had thrown the petrol bomb inside the house of the defacto- complainant and thereby, some house hold articles in the house were put on fire. In this regard, though it was mentioned in the First Information Report as lightning thread, bottle cap (எரிந்த நிலையில் தரி. குடி) are used for the incident, the learned Additional Public Prosecutor would submit that the same was recovered by the Investigation Officer and the same was sent for Chemical examination. So culminating the entire things, the investigation which reveals the fact that the second respondent had perfectly conducted the investigation. Only for the reason that the petitioner is suspected over the neighbouring person, it cannot be said that he is the real accused. Only after completion of the investigation, the second respondent can find out the truth. Accordingly, the petition filed by the petitioner is devoid of merits.

5.Therefore, considering the facts and circumstances of the case, it would appropriate to give direction to the Deputy Superintendent of Police, Karaikudi, Sivagangai District, to monitor the investigation to be done by the second respondent in Crime No.720 of 2020, dated 22.06.2020, as per law.

6.Accordingly, this Criminal Original Petition is disposed of with a direction to the Deputy Superintendent of Police, Karaikudi, Sivagangai District, to monitor the investigation to be done by the second respondent in Crime No.720 of 2020, dated 22.06.2020, as per law.

Sd/-

Deputy Registrar (Accounts)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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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,
Sivagangai District.
- 2.The Deputy Superintendent of Police,
Karaikudi,
Sivagangai District.
- 3.The Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P.[MD]No. 8747 of 2020
26.08.2020

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