



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.O.P.[MD]No.9259 of 2020

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Ramar

... Petitioner

Vs.

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

2.The Deputy Superintendant of Police,
Theni,
Theni District.

3.The Inspector of Police,
Theni Police Station,
Theni District.

4.Suresh

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to transfer the investigation in connection with FIR No.2883/2020, dated 09.07.2020 from the file of the third respondent to the second respondent.

For Petitioner : Mr.R.Murugappan
For R-1 to R-3 : 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 withdraw the investigation in Crime No.2883 of 2020 pending on the file of the third respondent and entrust the same to the file of the second respondent for proper investigation.

2.The learned counsel for the petitioner would submit that though the case has been registered immediately after receiving the complaint given by the de facto complainant, the same has not been registered by mentioning the necessary sections of law. Since the de facto complainant belongs to the scheduled caste, it is necessary for the third respondent to register a case under the provisions of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. But in this case instead of altering the sections of law, the third respondent herein



registered a case only under the provisions of Indian Penal Code and therefore, the petitioner herein has suspicion over the investigation conducted by the third respondent. Therefore, it is necessary to change the Investigation as prayed for.

3.The learned Additional Public Prosecutor appearing for the respondents 1 to 3 would submit that the averments found in the complaint given by the de facto complainant reveals the fact that the entire offence has been committed through mobile phone. Hence, the Investigation Officer has directed the de facto complainant to furnish the copy of the recording conversation, which would necessary to prove the case of prosecution. In this regard, the de facto complainant/petitioner herein instead of complying with the request made by the Investigation Officer, approached this Court by way of filing this petition.

4.Upon considering the arguments advanced by either side, now on go through the averments found in the First Information Report, it is not in dispute that during the time of occurrence the fourth respondent herein through mobile phone made insult to the petitioner by using abusive words. Therefore, for proving the same, it is necessary to see the recorded conversation which had happened during the time of occurrence. In the said circumstances, I do not find any fault upon the investigation conducted by the third respondent. In otherwise, the petitioner herein did not make any allegation against the third respondent warranting interference in the manner of investigation conducted by the third respondent. Therefore, in the said circumstances, it is appropriate to give direction to the second respondent to monitor the investigation conducted by the third respondent.

5.In view of the above, this Criminal Original Petition is disposed of with a direction to the second respondent to monitor the investigation conducted by the third respondent in Crime No.2883 of 2020.

Sd/-

Assistant Registrar (CO)

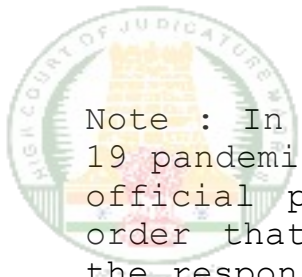
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/ /2020

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.

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To

- 1.The Superintendent of Police,
Theni,
Theni District.
- 2.The Deputy Superintendant of Police,
Theni,
Theni District.
- 3.The Inspector of Police,
Theni Police Station,
Theni District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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AC (CO)
KM (05.10.2020) 3P 5C