



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.09.2020**

WEB COPY

CORAM:

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

CrI.O.P.[MD]No.9358 of 2020

Rakku ... Petitioner / Defacto Complainant

Vs.

1.The Director General of Police,
Beach Road, Mylapore,
Chennai-600004.

2.The Superintendent of Police,
Virudhunagar District, Virudhunagar.

3.The Inspector of Police,
Kattanur Police Station, Virudhunagar.
(in Crime No.33 of 2020)

4.The Deputy Superintendent of Police,
CBCID, Virudhunagar.

... Respondents / Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to issue a direction, directing to the first respondent to transfer the investigation of FIR No.33 of 2020 pending on the file of the third respondent to the hands of the fourth respondent and consequently direct him to conduct investigation as expeditiously possible and to file a final report within a time stipulated by this Court.

For Petitioner : Mr.V.Angusamy

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 transfer the investigation of First Information Report registered in Crime No.33 of 2020 pending on the file of the third respondent to the hands of the fourth respondent and consequently direct him to conduct



investigation as expeditiously possible and to file a final report within a time stipulated by this Court.

2.The learned counsel for the petitioner would submit that in earlier, the relative of the present petitioner, one Manikandan, lodged a complaint against the some accused now referred in this petition alleging that they have assaulted him. Subsequent to that, the present petitioner has lodged one another complaint against the same accused, for which the third respondent police registered a case against the said accused under Section 147, 148, 294(b), 324 and 307 of I.P.C. During the time of occurrence, all the accused mentioned in the First Information Report, conspired with each other and assaulted the petitioner. Though the third respondent police registered the case immediately, subsequent to that due to the political interference, during the time of investigation, the Investigation Office left out the main accused and till now he has not secured. Therefore, change of investigation is necessary.

3.Per contra, the learned Additional Public Prosecutor appearing for the respondents police, on instructions, would submit that immediately after registration of the case, two accused were arrested and remanded to the judicial custody. Further after recording 161 Cr.P.C statements from the witnesses, the Investigation Officer came to the positive conclusion that during the time of occurrence, some of the accused attempted to murder the petitioner and therefore, he altered the section of law as Section 307 of I.P.C. The said circumstance reveals the fact that the Investigation Officer is not influenced by the political parties. Therefore, it is not necessary to change the investigation in the petition mentioned crime number.

4.Upon considering the arguments advanced by either side, it is not in dispute that immediately after registration of the case the third respondent herein arrested one Maruthupandi and one Murugan and send them to judicial custody. In respect of the other accused, the Police officer came to the conclusion that they are unnecessarily implicated as accused in the First Information Report. In this regard, this Court is not in a position to direct the Police Officer to conduct the investigation in a particular manner. Deletion of some other accused can be questioned only at the time of trial and not now. If really the Investigation Officer was influenced by some other agency, it would be difficult to him to alter the section of law for 307 I.P.C during the time of investigation. Therefore, the manner of investigation conducted by the third respondent does not create any suspicious circumstances. However, considering the prayer sought for by the petitioner, it is appropriate to direct the Deputy Superintendent of Police, Thiruchuli, to monitor the investigation made in Crime No.33 of 2020.



5. In view of the above, this Criminal Original Petition is disposed of with a direction to the Deputy Superintendent of Police, Thiruchuli, to monitor the investigation made in Crime No.33 of 2020 and further the third respondent is directed to complete the investigation and file a final report within a period of three months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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 District General of Police,
Beach Road, Mylapore, Chennai-600004.
- 2.The Superintendent of Police,
Virudhunagar District, Virudhunagar.
- 3.The Inspector of Police,
Kattannur Police Station, Virudhunagar.
- 4.The Deputy Superintend of Police,
CBCID, Virudhunagar.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

The Deputy Superintendent of Police,
Thiruchuli, Virudhunagar District.

CrI.O.P.[MD]No.9358 of 2020
04.09.2020

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SDS (23.09.2020) 3P-7C