



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.09.2020

CORAM:

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

Crl.O.P. (MD)No.9477 of 2020

Muthu Vijayan

... Petitioner / complainant

Vs.

- 1.The Inspector General of Police,
South Zone, Madurai.
- 2.The Superintendent of Police,
Virudhunagar District, Virudhunagar.
- 3.The Deputy Superintendent of Police,
Thiruchuli, Virudhunagar District.
- 4.The Inspector of Police,
Tiruchuli Police Station,
Virudhunagar District.
- 5.The Sub-Inspector of Police,
M.Reddiapatti Police Station,
Virudhunagar District.
- 6.The Inspector of Police,
CBCID, Virudhunagar District,
Virudhunagar.

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to pass an order of direction, to direct the second respondent to transfer the investigation in respect of the FIR in Crime No.22 of 2020 from the fourth respondent Police to the investigation of the sixth respondent or any other Police Officer as this High Court deems fit, based on the petitioner's representation dated 23.07.2020

For Petitioner	: Mr.J.John Raja Durai
For Respondents	: Mr.S.Chandra Sekar
	Additional Public Prosecutor



O R D E R

This criminal original petition has been filed seeking a direction to direct the second respondent to withdraw the investigation in Crime No.22 of 2020, from the file of the fourth respondent Police and entrust the same to the sixth respondent for proper investigation.

2. The learned counsel appearing for the petitioner would submit that initially after the registration of the First Information Report, the fourth respondent Police came to the conclusion that the alleged occurrence is due to the communal rivalry. However, after examining some more witnesses, he came to the conclusion that the alleged offence of murder has been committed only by the relative of the deceased. In this regard, though the petitioner gave a representation on 23.07.2020 before the fourth respondent Police, he has not secured the proposed accused and therefore, the petitioner is suspecting over the manner of investigation conducted by the fourth respondent. Therefore, the petitioner is before this Court for the relief stated supra.

3. Today, when the petition is taken up for hearing, the learned Additional Public Prosecutor appearing for the respondents 1 to 6 would submit that initially, while at the time of registering the case, the case has been registered only for the offence punishable under Section 302 of I.P.C. During the course of investigation, the Investigation Officer came to the conclusion that the alleged offence has been committed not only by the single accused and thereafter, he find out the *prima facie* case against the nine more persons, now, who are all arrayed as accused in this case. He would further submit that so far nine accused have been surrendered and now they are in the judicial custody. Therefore, the apprehension having by the petitioner is not having any substantial materials.

4. Upon considering the submissions made by the learned counsel on either side, if really the fourth respondent / Investigation Officer is not properly handling the petition mentioned case, it is not necessary for him to add nine more accused during the time of investigation. More over, during the course of investigation, he altered the sections of law as under Sections 147, 148, 120(b) 302 and 109 of I.P.C. Therefore, the said circumstances, reveals the fact that the Investigation Officer in this case is properly handled the investigation. However, this Court cannot direct the Investigation Officer to conduct the investigation in a particular manner as directed by this Court. Therefore, considering the prayer sought for by the petitioner, it would appropriate to direct the third respondent to monitor the investigation conducted by the fourth respondent.



5. The Criminal Original Petition stands disposed of with the above direction to the third respondent to monitor the investigation conducted by the fourth respondent in Crime No.22 of 2020.

WEB COPY

Sd/-

Assistant Registrar ()

// 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 Inspector General of Police,
South Zone, Madurai.
- 2.The Superintendent of Police,
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- 3.The Deputy Superintendent of Police,
Thiruchuli, Virudhunagar District.
- 4.The Inspector of Police,
Tiruchuli Police Station,
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- 5.The Sub-Inspector of Police,
M.Reddiapatti Police Station,
Virudhunagar District.
- 6.The Inspector of Police,
CBCID, Virudhunagar District,
Virudhunagar.
- 7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to MR.M.S. JEYAKARTHIK, Advocate (SR-16303[F] dated 09/09/2020)

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