



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.11.2020**

CORAM:

THE HONOURABLE Mrs.JUSTICE **J.NISHA BANU**

Crl.O.P. (MD)No.11664 of 2020

K.Krishnan

... Petitioner/Defacto Complainant

Vs.

1.The Superintendant of Police,
Theni District.

2.The State rep. by
The Inspector of Police
Andipatti Police Station,
Theni District.

3.The Inspector of Police
CBCID, Crime Branch,
Theni District.

...Respondents/Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the first respondent to order change of investigation in the matter relating to the Crime No.835 of 2020 on the file of the second respondent police and entrust the same to the third respondent for investigation of the case and file a charge sheet before the appropriate Jurisdictional Magistrate.

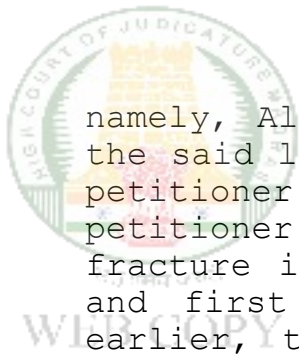
For Petitioner : Mr.B.Arun
For Respondents : Mr.V.Neelakandan,
Additional Public Prosecutor

O R D E R

This petition has been filed to direct the first respondent to order change of investigation in the matter relating to the Crime No.835 of 2020 on the file of the second respondent police and entrust the same to the third respondent for investigation of the case and file a charge sheet before the appropriate Jurisdictional Magistrate.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3.The petitioner herein had lodged a complaint before the second respondent police stating that the petitioner and the accused



namely, Alagar are brothers and they have a land dispute. Due to the said land dispute, on 24.06.2020, at about 7.00 p.m., while the petitioner was sleeping at a Marriage hall, the accused scolded the petitioner in filthy language and attacked with crow-bar, and caused fracture in the left hand and he was taken to Aundipatty Hospital and first aid was given. Though criminal complaint was given earlier, the petitioner and the accused were brothers, they were called for an enquiry and considering the relationship between the parties and request made by them, the second respondent stopped the investigation. Since the brother of the petitioner has not come forward for an amicable settlement as much as taken by the complainant, the petitioner requested the second respondent to take action as against his complaint, dated 25.06.2020. Thereafter, based on the complaint give by the petitioner, on 07.08.2020, an FIR in Crime No.835 of 2020 for the offence under sections 294(b), 324 and 506(ii) of IPC has been registered. The allegation of the petitioner is that though the complaint attracts the offence under Section 307 IPC, the police has not included the said offence and therefore, seeking for change of investigation.

4.The learned Additional Public Prosecutor appearing on behalf of the respondents 1 to 3, on instructions, would submit that after registering the case, the second respondent has properly initiated investigation by strictly following the procedures enumerated under Criminal Procedure Code and they await for the wound certificate of the petitioner and thereafter, final report will be filed before the Judicial Magistrate, Aundipatty.

5.Upon considering the arguments advanced by either side, though it was submitted by the learned Additional Public Prosecutor that already investigation has been initiated, the learned counsel for the petitioner would submit that considering the facts and circumstances, he only prayed for to monitor the investigation by the first respondent.

6.The learned Additional Public Prosecutor would submit that if a reasonable time is granted to the second respondent, the same will be considered and final report will be filed and the Deputy Superintendant of Police, Andipatti, is the authority to monitor the case.

7.Therefore, considering the above facts and circumstances of the case, it would be appropriate to give a direction to the Deputy Superintendent of Police, Andipatti, Theni District, to monitor the investigation to be done by the second respondent in Crime No.835 of 2020, dated 10.08.2020, as per law.

8.Accordingly, this Criminal Original Petition is disposed of with a direction to the Deputy Superintendent of Police, Andipatti, Theni District, to monitor the investigation to be done by the second respondent in Crime No.835 of 2020, dated 10.08.2020,



as per law and to file the charge sheet within a period of three months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (Crl Side)

WEB COPY

// 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,
Theni District.
- 2.The Inspector of Police
Andipatti Police Station,
Theni District.
- 3.The Deputy Superintendent of Police,
Andipatti,
Theni District.
- 4.The Inspector of Police
CBCID, Crime Branch,
Theni District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P.[MD]No.11664 of 2020
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