



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.02.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P (MD) No.14023 of 2016

WEB COPY

G.Kanagaraj

... Petitioner

Vs.

1.The Superintendent of Police,
Pudukottai.

2.The Inspector of Police,
Keeramangalam Police Station,
Alangudi Taluk,
Pudukottai District.

3.The Superintendent of Police,
C.B.C.I.D., Chennai.

... Respondents

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to transfer the investigation pending on the file of the second respondent in Cr.No.110 of 2016, to the file of the third respondent or any other competent agency at once.

For Petitioner : Mr.Ganapathy Subramanian

For Respondents : Mr.A.Robinson
Government Advocate (Crl.side)

ORDER

This petition has been filed seeking transfer of investigation in Crime No.110 of 2016 registered on the file of the Keeramangalam Police Station for the offences under Sections 147, 148, 294(b), 324 and 506(2) of IPC.

2.The petitioner is the defacto complainant. As many as 10 persons have been named in the FIR. Expressing his dissatisfaction over the manner of investigation, this criminal original petition came to be filed.

3.When the matter was taken up for final disposal, the learned Government Advocate (crl.side) submitted that the second respondent has already filed a final report closing the case as "Mistake of fact". The petitioner has also been served with the copy of the final report. However, the jurisdictional Magistrate is yet to take the final report on file.



4.The petitioner's counsel pointed out that he is a resident of Kothamangalam village. Every year, during the tamil month of Vaikasi, the temple festival used to take place. On 01.02.2015, Kumbabishekam was performed for the village temple and it was followed by the annual temple festival. The dispute arose regarding the manner of conducting the festival . On 25.05.2016, the village meeting was convened.

5.The specific allegation of the petitioner herein is that A1 and others engineered a melee. According to him, A1 Pandian attacked him with an iron rod. He further alleges that the other persons named in the FIR attacked him brutally. The petitioner and quite a few other persons suffered injury. The petitioner was rushed to Government Hospital, Alangudi in 108 ambulance at about 10.00 p.m., The petitioner was referred to the Government Hospital, Pudukkottai for further treatment. The petitioner suffered a fracture in his left hand. In the typed set of papers, the discharge summary of the petitioner and that of quite a few others have been enclosed. It is seen there from that the petitioner was an inpatient in the Government Hospital, Pudukkottai, for 30 days ie., from 26.05.2016 to 27.06.2016. One Rajagopal had suffered multiple injuries. He was an inpatient for three days from 25.05.2016. One Selvam, Subramanian, Rasappan, Duraikannu, Chelladurai and Sudhakar had also suffered multiple injurie. Thus, the materials on record, clearly indicate that the petitioner and others were brutally assaulted and that, they had suffered serious injuries.

6.I am shocked that in the face of these overwhelming materials on record, the second respondent had dared to file the final report closing the case as "Mistake of fact". The jurisdictional Magistrate is directed to return the said final report. The first respondent, namely Superintendent of Police is directed to appoint an Investigation Officer at the level of DSP, Pudukkottai, to conduct further investigation and file a final report within a period of 60 days.

7.This criminal original petitions is allowed on these terms.

Sd/-

Assistant Registrar(P & A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

1.The Superintendent of Police,
Pudukottai.

WEB COPY

2.The Inspector of Police,
Keeramangalam Police Station,
Alangudi Taluk,
Pudukottai District.

3.The Superintendent of Police,
C.B.C.I.D., Chennai.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

copy to
The Judicial Magistrate, Pudukottai.
(to return the said final report)

do through The Chief Judicial Magistrate, Pudukottai.
(to return the said final report)

+1 CC to M/s.P.GANAPATHISUBRAMANIAN, Advocate (SR-6535[F] dated
14/02/2020)

Cr1.O.P(MD)No.14023 of 2016

DB(CO)
TR(17.02.2020) 3P 8C