



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.01.2020

CORAM:

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)Nos.7576 and 7023 of 2016

and

Crl.M.P. (MD)Nos.3834, 3835, 3541 and 3542 of 2016

1.Karthika
2.Dhanalakshmi
3.Alagu Raja
4.Kaleeswaran
5.Satheeshkumar
6.Anbu Ramu @ Ramu ... Petitioners in Crl.O.P.(MD)No.7576 of 2016

1.Anbu Ramu @ Ramu
2.SatheeshKumar
3.Alagu Raja
4.Kaleeswaran
5.Karthika ... Petitioners in Crl.O.P.(MD)No.7023 of 2016

-vs-

1.The Deputy Inspector General of Police,
South Zone, Madurai.

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

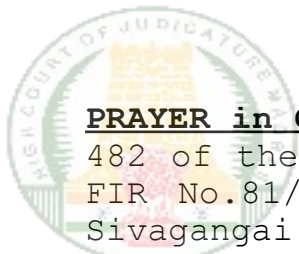
3.The Deputy Superintendent of Police,
Manamadurai,
Sivagangai District.

4.The Inspector of Police,
Thirupachethi Police Station,
Sivagangai District.

5.V.Ilayaraja ... Respondents in both Crl.O.Ps.

PRAYER in Crl.O.P. (MD)No.7576 of 2019 : Petition filed under Section 482 of the Criminal Procedure Code to transfer the investigation in FIR No.110/2016 on the file of the Thirupachethi Police Station, Sivagangai District from the fifth respondent to the third respondent.

<https://hcservices.ecourts.gov.in/hcservices/>



PRAYER in Crl.O.P.(MD)No.7023 of 2019 : Petition filed under Section 482 of the Criminal Procedure Code to transfer the investigation in FIR No.81/2016 on the file of the Thiruppachethi Police Station, Sivagangai District from the fifth respondent to the third respondent.

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For Petitioners : Mr.R.Murugappan

For Respondent : Mr.K.K.Ramakrishnan
Additional Public Prosecutor
(in both Criminal Original Petitions)

O R D E R

The petitioners in both these Criminal Original Petitions are accused in two cases. The learned counsel for the petitioners would contend that the petitioners were originally ex-communicated from the village and that therefore, they have lodged a criminal case. While filing the final report, according to them, some of the accused were left out. Therefore, they lodged a complaint before the higher authorities. This is said to be the motive for implicating the petitioners herein in two cases.

2.The learned counsel for the petitioners would state that if investigation is conducted by the named respondents, it would not be fair.

3.But then, this Criminal Original Petition was filed way back in the year 2016. We are now in 2020. There has been a change of incumbent. A new officer had obviously taken charge. There is considerable merit in the objections of the learned Additional Public Prosecutor that in normal circumstances this Court will not entertain a petition for transfer of investigation at the instance of the accused. Therefore, I am not inclined to allow this Criminal Original Petition.

4.However, in view of the apprehension expressed by the learned counsel for the petitioners, it is directed that the



investigation will be personally monitored by the third respondent herein. With this direction these Criminal Original Petitions are disposed of. Consequently, connected Miscellaneous Petitions are closed.

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Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

- 1.The Deputy Inspector General of Police, South Zone, Madurai.
- 2.The Superintendent of Police, Sivagangai District, Sivagangai.
- 3.The Deputy Superintendent of Police,
Manamadurai, Sivagangai District.
- 4.The Inspector of Police,
Thirupachethi Police Station, Sivagangai District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.R.Murugappan,Advocate, SR.No.652

Crl.O.P. (MD)Nos.7576 and 7023 of 2016

and

Crl.M.P. (MD)Nos.3834, 3835, 3541 and 3542 of 2016

JMN(19.02.2020) 3P : 7C