

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.3653 of 2018
and
Crl.MP.N.1647 of 2018

N.Nallathambi UdayarPetitioner

..Vs..

- 1.The Superintendent of Police,
Perambalur District.
- 2.The Deputy Superintendent of Police,
Perambalur District.
- 3.The Inspector of Police,
Mangalamedu Police Station,
Perambalur District.
- 4.The Sub Inspector of Police,
V.Kalathur Police Station,
Perambalur District.Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to transfer the investigation in Crime No.67/2017, pending on the file of the V.Kalathur Police Station to some other Police or Agency.

For Petitioner : Mr.S.Mohan

For Respondents : Mr.C.Raghavan
Government Advocate

O R D E R

This Criminal Original Petition has been filed for a direction to transfer the investigation in Crime No.67/2017, pending on the file of the 4th respondent to some other superior Police Officer or to some other Agency.

2.The learned counsel for the petitioner submitted that there was a land dispute between the parties and when the petitioner was working in his field on 22.01.2017, he was attacked indiscriminately by the accused persons with stick, barbed wire and iron rod pipe and the petitioner sustained serious injuries. The learned counsel further submitted that the petitioner was taken to the hospital and immediately the information was given to the 4th respondent Police. The petitioner sustained fractures in his forearm, shoulder and ankle and the petitioner also underwent surgery.

3.The learned counsel for the petitioner further submitted that the 4th respondent came to the hospital on 23.01.2017 and recorded the statement of the petitioner and inspite of the same, no FIR was registered immediately. The petitioner was thereafter forced to give repeated representations and ultimately the 4th respondent registered the FIR only on 03.03.2017 and even in the FIR it was shown as if the complaint was given only on 03.03.2017.

4.The learned counsel for the petitioner submitted that the FIR was sent to the Court below again with a delay, only on 18.03.2017. That apart except A-1, all the other accused persons were released on station bail. The learned counsel submitted that the 4th respondent was siding with the accused persons and no effective steps were taken to arrest the accused persons and even though an attempt was made on the life of the petitioner, the offense under Section 307 IPC was not even added in the FIR. The learned counsel concluded his submissions by stating that the petitioner got an information to the effect that the Final Report was filed immediately on 27.03.2017.

5.The learned Government Advocate appearing on behalf of the respondent Police submitted that the investigation was completed and a Final Report was also filed before the Judicial Magistrate, Perambalur and the same is yet to be taken on file.

6.This Court has carefully considered the submissions made on either side and the materials available on record.

7.The grievance expressed by the petitioner exhibits the slipshod manner in which the investigation was conducted by the 4th respondent and is clear from the materials placed before this Court. At every stage, there was a delay right from the registration of FIR till it was sent to the concerned Court. The Wound Certificate that has been filed before this Court explains the grievous injuries sustained by the petitioner due to the indiscriminate attack made against the petitioner by the accused persons. It is curious to note that the Final Report came to be filed in the year 2017 and it has not been taken on file till today. There has been a clear

derelection of duty on the part of the 4th respondent who should have conducted an effective investigation in a case of this nature. It looks like the 4th respondent was creating various opportunities for the accused persons to escape from the clutches of law.

8. In view of the above, this Court has absolutely no hesitation to order for a further investigation in this case. There shall be a direction to the 3rd respondent viz; the Inspector of Police, Mangalamedu Police Station to conduct a further investigation in Crime.No.67/2017. The concerned Police shall secure the accused persons and further investigation shall be completed within a period of eight weeks from the date of receipt of copy of this order. The Final Report filed before the Judicial Magistrate, Perambalur, shall be withdrawn and a fresh Final Report shall be filed after the completion of the further investigation.

9. This criminal original petition is disposed of with the above directions. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

KP
To

1. The Superintendent of Police,
Perambalur District.

2. The Deputy Superintendent of Police,
Perambalur District.

3. The Inspector of Police,
Mangalamedu Police Station,
Perambalur District.

4. The Sub Inspector of Police,
V.Kalathur Police Station,
Perambalur District.

5. Judicial Magistrate Court,
Perambalur.

6. Additional Public Prosecutor,
High Court, Madras.

SVI(CO)

SM/1102/2021

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