



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :02.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.13025 of 2021

M.Murugan

... Petitioner

Versus

1. The Superintendent of Police,  
Dharmapuri District,  
Dharmapuri.
2. The Deputy Superintendent of Police,  
Pennagaram,  
Dharmapuri District.
3. The Inspector of Police,  
Indur Police Station,  
Dharmapuri District.
4. The Inspector of Police,  
CBCID, Dharmapuri.
5. The Sub-Inspector of Police,  
Indur Police Station,  
Dharmapuri.

... Respondents

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the third respondent to transfer the investigation concerned in Crime No.228 of 2021 on the file of the Inspector of Police, Indur Police Station, Dharmapuri to the file of the fourth respondent to conduct a free and fair investigation and to file a final report within a stipulated time.

For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.Damodaran,  
Government Advocate (Crl.side)

ORDER

The petitioner is the accused in Crime No.228 of 2021, for the offence under Section 294 (b), 323 of IPC., r/w Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002 and he



has filed the present petition seeking change of investigation.

2.The contention of the petitioner is that he had lodged a complaint against one Muniappan, Durai, Chinnapayan on 10.06.2021 complaining that due to previous enmity, they have assaulted him and his wife with wooden log and caused bleeding injury on 07.06.2021. Based on the complaint, a case in Crime No. 229 of 2021 was registered. According to the petitioner, even before he has given the complaint on 10.06.2021, a case in Crime No. 228 of 2021 was registered against him on the basis of the complaint given by one Kamatchi alleging that the petitioner misbehaved with her for the offences under Sections 294(b), 323 of IPC read with Section 4 of Women Harassment Act. According to the petitioner, he had never seen the above said Kamatchi and he never knew her. He further stated that as per the complaint given by Kamatchi, the alleged occurrence had taken place on 23.05.2021 for which the complaint was given on 10.06.2021 with considerable delay. However, the respondent/police have not conduct proper investigation and wanted to save the real offenders, hence, he has filed this petition.

3.The learned Government Advocate (crl.side) appearing for the respondents submitted that the prayer of the petitioner cannot be entertained and the accused cannot have the choice of investigation. The investigation is almost completed and the charge sheet will be filed within a period of two months.

4.On perusal of the materials, it is seen that there are two cases registered on the file of Indur Police Station, Dharmapuri District on 10.06.2021 namely Crime No. 228 and 229 of 2021. On the basis of complaint given by Kamatchi, a case in Crime No. 228 of 2021 was registered against the petitioner. On the same day, the petitioner has given a complaint against Muniappan and others for the alleged assault caused to him and his wife on 07.06.2021almost simultaneously. It is stated that investigation in the above cases are almost completed and charge sheet is likely to be filed. While so, the question of transferring the investigation as prayed for by the petitioner cannot be granted. The respondent/police is directed to conduct the investigation in both cases and file a final report within a stipulated time, as expeditiously as possible.

5.With the above observations and direction, the Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar



1. The Superintendent of Police,  
Dharmapuri District,  
Dharmapuri.

2. The Deputy Superintendent of Police,  
Pennagaram,  
Dharmapuri District.

3. The Inspector of Police,  
Indur Police Station,  
Dharmapuri District.

4. The Inspector of Police,  
CBCID,  
Dharmapuri.

5. The Sub-Inspector of Police,  
Indur Police Station,  
Dharmapuri.

6. The Public Prosecutor,  
High Court, Madras.

+1cc to Mr.C.Prabakaran, Advocate, S.R.No.37317

CRL.O.P.No.13025 of 2021

KV(CO)  
SB(26/08/2021)