



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date :03.03.2021

WEB COPY

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THE HONOURABLE MRS .JUSTICE R.HEMALATHA

CRL OP(MD). No.1343 of 2021

R.S.Mani

... Petitioner

Vs

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

2.The Inspector of Police,
Panagudi Police Station,
Tirunelveli District.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the first respondent to transfer the investigation in Crime No.254 of 2020 on the file of the second respondent to some other investigating agency.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.S.Chandrasekar

Additional Public Prosecutor

ORDER

The present petition is filed seeking for a direction to the first respondent to transfer the investigation in Crime No.254 of 2020 on the file of the second respondent to some other investigating agency.

2.The learned counsel appearing for the petitioner contended that though the petitioner was brutally attacked by the accused and the police recorded the statement of the present petitioner while he was taking treatment in a hospital, did not register the First Information Report immediately and on the contrary, he received complaint from the accused and registered the First Information Report in Crime No.254 of 2020 against the present petitioner. His further contention is that the complaint of the petitioner was registered subsequently in Crime No.255 of 2020.

3.Mr.S.Chandrasekar, learned Additional Public Prosecutor, who accepts notice on behalf of the respondents, on instructions, would contend that sofar as Crime No.255 of 2020 is concerned, the Inspector of Police, Panagudi Police Station after concluding investigation filed a referred charge sheet treating the case as 'mistake of fact'. In Crime No.254 of 2020 final report is filed



before the Judicial Magistrate, Valliyoor against the present petitioner for the offences punishable under Sections 294(b) and 506 (ii) of the Indian Penal Code and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002.

4. Recording the submissions of the learned Additional Public Prosecutor, the Criminal Original Petition is disposed of. The petitioner, if aggrieved by the referred charge sheet filed by the Inspector of Police, Panakudi Police Station, can file a protest petition before the concerned Magistrate, if so advised. The second respondent is directed to issue notice to the petitioner with regard to the filing of the referred charge sheet within a period of two weeks from the date of receipt of a copy of this order/uploading of the order.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

rmk

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,
Tirunelveli,
Tirunelveli District.

2.The Inspector of Police,
Panagudi Police Station,
Tirunelveli District.

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

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-8581[F] dated 04/03/2021)

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PK(CO)

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