



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.11.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.14238 of 2021 and

CRL.M.P.(MD)No.7456 of 2021

A.Narayanamoorthy

... Petitioner/Son of the deceased

Vs.

1.The State of Tamil Nadu,
Rep. By,
The Principal Secretary,
Department of Home,
Secretariat, Fort St. George,
Chennai.

2.The Director General of Police,
Government of Tamil Nadu,
O/o. The Director General of Police,
Chennai.

3.The Deputy Superintendent of Police CBCID,
O/o. The Superintendent of Police CBCID,
Madurai District,
Madurai.

4.The Superintendent of Police,
O/o. The Superintendent of Police,
Madurai District,
Madurai.

5.The Inspector of Police,
Othakadai police station,
Madurai District,
Madurai.

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to issue a direction directing the fourth respondent to withdraw the case in Crime No.390 of 2021 dated 15.06.2021 on the file of the fifth respondent and entrust the same to the third respondent for investigation of the case by a competent officer and file final report before the jurisdictional Magistrate within the time stipulated by this Court.

For Petitioner

: Mr.T.Lajapathy Roy

For Respondents

: Mr.T.Senthil Kumar,

Additional Public Prosecutor.



O R D E R

This criminal original petition has been filed for transferring the investigation.

2. The petitioner is the defacto complainant in Crime No.390 of 2021 registered on the file of Othakadai police station. The case was registered for the offences under Sections 147, 148, 294(b), 447, 427, 323, 324, 506(2), 279 and 302 of I.P.C. and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.

3. The reason for filing this criminal original petition is the filing of alteration report by the fifth respondent. The fifth respondent filed the alteration report for deleting the offence under Section 302 of I.P.C.

4. The specific case of the petitioner is that on 15.06.2021, there was a clash between the petitioner's family and the accused. According to the petitioner, the fourth accused Anast @ Alagarsamy landed a punch on his father and pushed him down and stamped him on the chest. There is no dispute that the petitioner's father died on the same day in the hospital.

5. I fail to understand as to how the fifth respondent acted with such alacrity to file alteration report for deleting the offence under Section 302 of I.P.C. The petitioner's apprehension that the investigation is not proceeding on the right lines is well founded. The fourth respondent is therefore directed to issue proceedings for entrusting the investigation at the hands of some other officer. Such proceedings will be issued within a period of four days from the date of receipt of a copy of this order. The jurisdictional Magistrate shall return the alteration report to the investigation officer.

6. This criminal original petition is allowed accordingly. Consequently, connected miscellaneous petition is closed.

Sd/-

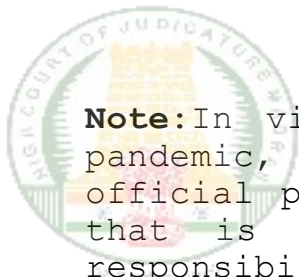
Assistant Registrar (CO)

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/ /2021

Sub Assistant Registrar (CS)

PMU



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.

WEB COPY

To:

1. The Principal Secretary,
Department of Home,
Secretariat, Fort St. George,
Chennai.
2. The Director General of Police,
Government of Tamil Nadu,
O/o. The Director General of Police,
Chennai.
3. The Judicial Magistrate,
Melur.
(For Complying the direction)
4. The Deputy Superintendent of Police CBCID,
O/o. The Superintendent of Police CBCID,
Madurai District,
Madurai.
5. The Superintendent of Police,
O/o. The Superintendent of Police,
Madurai District,
Madurai.
(For Complying the direction)
6. The Inspector of Police,
Othakadai police station,
Madurai District,
Madurai.
7. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-34991[F] dated 18/11/2021)

Crl.O.P. (MD)No.14238 of 2021
17.11.2021