



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2021

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.20404 of 2021

WEB COPY

XXXXX

... Petitioner/Defacto
Complainant

Vs.

1.The Inspector of Police,
Eral Police Station,
Tuticorin.

2.XXXXX

3.Jeya Saravanan

4.Raj

5.Jayabalakrishnan

6.Amutha

7.Sridhar

... Respondents

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to transfer the investigation of the case in Crime No.125 of 2019 from the file of the Eral Police Station, Tuticorin to any other competent agency/authority to complete the investigation in timely manner and bring the respondents 2 to 7 to book.

For Petitioner : Mr.J.Jayaprakash, Party-in-person
For Respondents : Mr.M.Sakthi Kumar,
Govt. Advocate (Crl. Side) for R1.

O R D E R

Heard the petitioner in person and the learned Government Advocate (Crl. Side) for the first respondent. Considering the nature of relief to be granted, issuance of notice to the private respondents is dispensed with.

2.The petitioner is the defacto complainant in Crime No.125 of 2019 registered on the Eral Police Station for the offences under Sections 109, 147, 148, 342, 355, 323, 324 and 307 of IPC. The petitioner has alleged that he is having a civil dispute with XXXXX, Jeya Saravanan and Jeyabalakrishnan and at their instance, his brother Jeyamurugan was brutally assaulted. His brother was tied in a naked condition to a lamp post and grievous injuries were caused to him. The case lodged by the petitioner was investigated and final report was also filed. In the final report, some of the persons named by the petitioner were deleted. Hence, the jurisdictional Magistrate issued notice to the



petitioner calling upon the petitioner to file protest petition. Though the petitioner informs the Court that he filed objections, the copy of the same has not been enclosed. The case is yet to be taken on file. The next hearing date is 31.01.2022. The petitioner is directed to file his objections in response to the notice issued by the jurisdictional Magistrate on or before 31.01.2022. The jurisdictional Magistrate will consider the petitioner's objections and pass appropriate orders on merits and in accordance with law. The case involves assault of a mentally challenged person. I expect the committal Court as well as the trial Court to show sufficient understanding, sensitivity and sympathy and deal with the matter appropriately.

3.The petitioner seeks transfer of investigation on the ground that the persons named by him have been deliberately omitted by the first respondent and the first respondent is also putting pressure on the petitioner to withdraw the complaint.

4.This allegation made by the petitioner is of course denied by the learned Government Advocate (Crl. Side). Be that as it may, the first respondent shall ensure that the case registered at the instance of the petitioner diligently prosecuted.

5.Even if the objections lodged by the petitioner do not find favour with the committal Magistrate, still after recording the evidence of the petitioner, the trial Court can always invoke its power under Section 319 of CrPC for proceeding against any person if they have been erroneously left out in the final report. The committal proceedings shall be concluded on or before the end of March, 2022. The trial itself shall be concluded on merits and in accordance with law within a period of eight months thereafter.

6.This criminal original petition is disposed of with the aforesaid directions.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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 Inspector of Police,
Eral Police Station,
Tuticorin.

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

Copy to

The Judicial Magistrate,
Srivaikundam, Tuticorin.

**CrI.O.P(MD)No.20404 of 2021
21.12.2021**

NA(CO)
SB(05.01.2022) 3P 4C