



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI.O.P (MD)No.19466 of 2021

Godson

... Petitioner/Defacto Complainant

Vs

1.The Superintendent of Police,
Office of the Superintendent of Police,
Thoothukudi.

2.The Deputy Superintendent of Police,
Srivaigundam Sub Division,
Thoothukudi District.

3.The Inspector of Police,
Eral Police Station,
Thoothukudi District.
(Crime No.262 of 2021)

... Respondents

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the first respondent herein to transfer the case in Crime No.262 of 2021 from the file of the second respondent police to any other police station for investigation and to file a charge sheet within the time stipulated by this Court.

For Petitioner	: Mr.A.Robinson
For Respondents	: Mr.T.Senthil Kumar
	Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking transfer of investigation in Crime No.262 of 2021 registered on the file of the Inspector of Police, Eral Police Station.

2. The petitioner had granted two wheeler loan to one Baby sukumari. She turned out to be a defaulter. The petitioner therefore went to her place of work and demanded the money back. The brother of the said Baby sukumari is said to have beaten up the petitioner and caused him injuries. Though the petitioner therefore lodged a complaint before the Eral Police Station. Instead of registering the petitioner's complaint immediately, complaint was received from Baby Sukumari and it was registered first as Crime No.261 of 2021 for IPC offence and also the offence under Section SC/ST (POA) Act, 2015. The petitioner's complaint was registered only as Crime No.262 of 20221. The petitioner's counsel would specifically allege that the occurrence was captured in the CCTV footage installed in the Hero Showroom. His specific



allegation is that Thiru.Venkatesh, the jurisdictional DSP is supporting the other side and he had prevailed upon the Hero Showroom management to play the footage in question. His apprehension is that his case will not be properly investigated.

3. When the matter was taken up for hearing, the learned Additional Public Prosecutor submitted that Crime No.262 of 2021 is being properly investigated and that a positive final report will be filed against Muthuraj who is said to have attacked the petitioner herein. Since the petitioner had taken treatment in the Government Hospital, the offence under Section 323 of IPC cannot be omitted when the final report is filed. In order to allay the apprehension of the petitioner, this Court calls upon Thiru.Chandeesh IPS, ASP to vet the final report in Crime No.261 of 2021 as well as Crime No.262 of 2021 before the same is filed before the jurisdictional Court.

4. With these observations and directions and by recording the submission of the learned Additional Public Prosecutor that positive final report will be filed in Crime No.262 of 2021 against Muthuraj, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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,
Office of the Superintendent of Police,
Thoothukudi.
- 2.The Deputy Superintendent of Police,
Srivaigundam Sub Division,
Thoothukudi District.
- 3.The Inspector of Police,
Eral Police Station,
Thoothukudi District.

<https://hcservices.ecourts.gov.in/hcservices/>



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

+1 CC to M/s.A.ROBINSON, Advocate (SR-38011[F] dated 09/12/2021)

CrI.O.P (MD) No.19466 of 2021
09.12.2021

NSN (CO)
KB (30.12.2021) 3P 6C