



WEB COPY

W.P.(MD)No.22240 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.22240 of 2021

and

W.M.P. (MD)No.18780 of 2021

A.Paulraj

... Petitioner

-Vs-

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

2.The Deputy Superintendent of Police,
Manapparai Division,
Trichy District.

3.The Inspector of Police,
Puthanatham Police Station,
Trichy District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the first respondent to order for re-investigation in Crime No.63 of 2017 on the file of the third respondent by deputing a police officer not below the rank of Deputy Superintendent of Police and file fresh charge sheet in accordance with law.

For Petitioner : Mr.T.Lenin Kumar
For Respondents : Mr.M.Veeranthiran
Government Advocate

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

2. The petitioner belongs to pallar community which is a notified scheduled caste. He is the defacto complainant in Crime No.63 of 2017 registered on the file of the Puthanatham Police Station for the offences under Sections 294(b), 323 & 506(1) of IPC and Sections 3(1)(r) and 3(1)(s) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015. The petitioner is also a practicing lawyer. According to him, he was assaulted inside the station premises of the Puthanatham Police Station on 30.04.2017. The matter was investigated and final report was filed. The petitioner filed CrI.M.P.No.799 of 2020 in



Special S.C.No.444 of 2018 before the Special Court seeking further investigation. This was because, the prosecution had made it appear as if the occurrence took place near the police station and not inside the police station. The petitioner's request was accepted by the trial Court and further investigation was ordered. But the further investigation report did not suggest any change. Therefore, Crl.M.P.No.799 of 2020 came to be dismissed on 17.03.2021. Now the petitioner has filed this writ petition seeking the very same relief.

3. When the court below had already gone into the issue, the question of ordering a second further investigation does not arise at all. The apprehension of the petitioner appears to be that in view of the change in the occurrence spot, the entire prosecution case may be thrown out. According to the petitioner, the incident took place within the station premises. According to the final report, the incident took place outside the station premises but in the vicinity. It appears that the police were feeling rather embarrassed to admit that the occurrence had taken place inside the station premises. The petitioner can very well stick to his original version, when he deposes as a prosecution witness. I am certain that merely because there is a dichotomy between the stand taken by the victim and the stand taken by the investigation officer as regards the occurrence spot, the entire case will not be thrown out on that ground. The trial Court will certainly take into account the reality of the situation and give a disposal to the case on merits and in accordance with law.

4. With this observation, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

rmi

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,
Trichy District,
Trichy.

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



2.The Deputy Superintendent of Police,
Manapparai Division,
Trichy District.

3.The Inspector of Police,
Puthanatham Police Station,
Trichy District.

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

W.P. (MD) No.22240 of 2021
15.12.2021

_RD(29.12.2021) 3P 5C