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CrI. O.P. Nos.10099 and 10149 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27/6/2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CrI. O.P. Nos.10099 and 10149 of 2022

a n d

CrI.M.P.Nos.5957 and 6008 of 2022

M. Vasanth

...

Petitioner in both the
petitions

Vs

1. The Superintendent of Police
Dharmapuri District.

2. The State
rep. By The Inspector of Police
A. Pallipatti Police Station
Dharmapuri District.

...

Respondents in both the
petitions

PRAYER : Criminal Original Petitions filed under Section 482 Cr.P.C., to
transfer the investigation in Crime Nos.48 and 47 of 2022 on the file of the
second respondent to the CB-CID or any other agency.

For Petitioner

...

Mr.J.Bharathi Raja

For Respondents

...

Mr.A.Gokulakrishnan
Additional Public Prosecutor

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COMMON ORDER

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These Criminal Original Petitions have been filed to transfer the investigation in Crime Nos.48 and 47 of 2022 on the file of the second respondent to the CB-CID or any other agency.

2. The case of the prosecution is that on 5/4/2022, at 4 p.m., when the petitioner and his parents were ploughing their land, A.1 and his two sons attempted to prevent them from ploughing their land. All of a sudden, when the accused started attacking the petitioner and his parents, his father became unconscious. Immediately, the petitioner took his father to the Primary Health Centre, Mookareddipatti and thereafter, to the Government Hospital, Pappireddipatti, where they declared that the father of the petitioner was brought dead. Post-mortem was done on 6/4/2022.

3. The petitioner lodged a complaint to the second respondent. Though the petitioner and his mother are the eye witnesses, the Police had filed the First Information Report in FIR No.47 of 2022, under Section 174 of the Code of Criminal Procedure.



4. The Accused have lodged a complaint to the second respondent Police and they had filed the First Information Report in FIR No.48 of 2022, under Sections 294 (b), 324 and 506 (ii) of the Code of Criminal Procedure.

5. Heard Mr.J.Bharathi Raja, learned counsel appearing for the petitioner and Mr.A.Gokulakrishnan, learned Additional Public Prosecutor for the respondents.

6. The learned counsel appearing for the petitioner submitted that the respondent Police altered the First Information Report in F.I.R.No.47 of 2022, from 174 Cr.P.C., to 304 (ii) of the Indian Penal Code, based on the statement of persons, who neither witnessed the occurrence nor had any knowledge about the incident.

7. The learned Additional Public Prosecutor submitted that First Information Report in Crime No.47 of 2022 has been altered and the Alteration Report has been submitted before the Court of Judicial Magistrate, Pappireddipatti, under Sections 304 (2), 341, 323 and 506 (ii) of the Indian Penal Code.



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8. Considering the circumstances of the case, in order to get a fair and impartial investigation, this Court is of the considered view that it is just and necessary to transfer the investigation to some other investigating agency, which will serve the ends of justice.

9. Accordingly, these **Criminal Original Petitions are allowed** and investigation in Crime Nos.47 and 48 of 2022 are transferred from the file of the second respondent Police to the CB-CID, Dharmapuri. The second respondent Police is directed to handover the files pertaining to Crime Nos.48 and 47 of 2022, to the CB CID forthwith. The Superintendent of Police, CB CID, Dharmapuri District, is directed to monitor the investigation. Consequently, the connected Criminal Miscellaneous Petitions are closed.

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mvs.

Index: Yes/No

Internet: Yes

Speaking/Non-speaking order



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To

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1. The Superintendent of Police
Dharmapuri District.
2. The Superintendent of Police, CB CID, Dharmapuri
3. The Inspector of Police
A. Pallipatti Police Station
Dharmapuri District.
4. The Public Prosecutor, High Court, Madras.



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N.SATHISH KUMAR,J

mvs.

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