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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2022

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Cr1.O.P.No.13242 of 2022

Kandhasamy

... Petitioner

Vs.

State of Tamilnadu Rep. by
The Inspector of Police,
T-3 Korattur Police Station,
Korattur, Chennai - 600 080.
Crime No.211 of 2022.

... Respondent

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to allow this Criminal Original Petition and transfer the investigation in Crime No.211 of 2022 on the file of the T-3 Korattur Police Station to some other officer or agency for investigation and disposal in accordance with law.

For Petitioner : Mr.P.Srinivas,
for Ms.G.Daisy John

For Respondent : Mr.Leonard Arul Joseph Selvam,
Government Advocate (crl.side)

ORDER

This Criminal Original Petition has been filed to transfer the investigation in Crime No.211 of 2022 on the file of the T-3 Korattur Police Station to some other officer or agency for investigation and disposal in accordance with law.

2. The main grievance of the learned counsel appearing for the petitioner is that there is a dispute between the petitioner being the landlord and one Jagadeesan being a tenant and the said Jagadeesan engaged hirelinks and those people have indiscriminately attacked the petitioner and his wife in a supermarket with a sword which was captured in the CCTV Camera. Prior to the occurrence, on 26.03.22, the said Jagadeesan has also threatened the petitioner, which is also captured in a cell phone. Hence, it is his contention that hirelinks was engaged by the main accused, whereas, the Investigating Officer, despite the CCTV footage, has facilitated A1 to get anticipatory bail by



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deleting his name from the First Information Report. Hence, submitted that the investigation is not in a right direction and best evidence is available to proceed against the perpetrators. Therefore, seeks to transfer the investigation to some other Investigating Agency.

3. The learned Government Advocate (Criminal side) appearing for the respondent would submit that the Investigating Officer has examined several witnesses and the investigation will be completed and charge sheet will be filed. He would further submit that subsequent to registration of the First Information Report, the offence has been altered to Section 326 of IPC.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate [Crl. Side] appearing for the respondent.

5. This Court has seen the video regarding the attack in the open Court. The same indicate that violence was unleashed against the petitioner indiscriminately by using a sword. But the weapon itself is not projected properly in the First Information Report by the police and the main accused was also let out on bail. At any event, despite the best available evidence, the investigation is not in a right direction. If the investigation is not properly conducted, the same will lead to collapsing of justice. Hence, this Court is of the view that if the investigation is continued with the present Investigating Officer, the same will not be a fair investigation.

6. Accordingly, this Criminal Original Petition is allowed and the investigation in Crime No.211 of 2022 on the file of T-3 Korattur Police Station is transferred to Inspector of Police, V-1 Villivakkam Police Station to conduct investigation in a fair manner and file the final report expeditiously without any further delay. It is for the authorities concerned to take proper action for dereliction of the Investigating Officer's failure to conduct fair investigation.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

vrc



To

1. The Inspector of Police,
T-3 Korattur Police Station,
Korattur, Chennai - 600 080.
2. The Inspector of Police,
V-1 Villivakkam Police Station,
Villivakkam, Chennai.
3. The Public Prosecutor,
Madras High Court,
Chennai.

+1cc to Ms.G.Daisy John , Advocate, S.R.No.34001

Crl.O.P.No.13242 of 2022

RSV(CO)
CT/24/06/2022