



Crl.O.P.No.12937 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2022

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.12937 of 2017

and

Crl.M.P.No.8417 of 2017

Prabhavathy (27 years)
W/o.Baskar,
No.26, Perumal Koil Street,
Kandanpalayam Village,
Nalur Post, Ponneri Taluk,
Tiruvallur District.

... Petitioner

Vs.

1.The Director General of Police,
Santhome High Road,
Chennai 600 004.

2.The Superintendent of Police,
Tiruvellore District,
Tiruvallur.

3.The Deputy Superintendent of Police,
Ponneri Circle,
Tiruvellore District.

4.The Inspector of Police – Crimes,
Minjur Police Station,
Minjur, Tiruvallur District.

... Respondents

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PRAYER : This Criminal Original Petition is filed under Section 482 of Cr.P.C., to set aside the final report filed in C.C.No.17 of 2017 on the file of Judicial Magistrate Court, Ponneri, Tiruvallur District in Crime No.206 of 2016 and transfer the investigation of the above case from the respondents to any other appropriate agency or any other Police Officer.

For Petitioner : Mr.B.Harikrishnan

For Respondents : Mr.L.Baskaran
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to set aside the final report filed in C.C.No.17 of 2017 on the file of Judicial Magistrate Court, Ponneri, Tiruvallur District in Crime No.206 of 2016 and transfer the investigation of the above case from the respondents to any other appropriate agency or any other Police Officer.

2.The contention of the Petitioner is that the Petitioner along with her husband and in-laws residing in a joint family. His father in law purchased a vacant land from one Sulochanammal by sale deed in Doc. No.3332 of 1986. The adjacent land owner viz., Venugopal was always



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giving trouble and problem to the Petitioner's family, since his sons viz., Mugundan and Veeraraghavan are employed in police department viz., DGP office at Chennai. There was some dispute between them with regard to installation of AC unit in the property of the Petitioner, which was objected by Venugopal and the occurrence taken place on 10.05.2016. On that day, the Petitioner's husband Baskar was brutally attacked by Venugopal and his two sons with iron rod. Due to which her husband, Baskar got admitted as inpatient in the Government Stanley Hospital, on the same day. The medical records confirms the injuries. Further her husband suffered skull injury and knee dislocation and injuries all over the body. He had taken treatment as inpatient upto 04.06.2016, for more than 25 days. Apart from the medical evidence, if a person who is taking treatment as inpatient for a period of 15 days or more, the injuries to be serious in nature. Despite the use of iron rod against the Petitioner's husband, Section 307 IPC has not been included in the final report, for the reason that two of the accused are employed in police department viz., DGP office at Chennai. Because of their influence, the same has not been included. The Petitioner referred to the photographs of the victim viz., Basker and medical records.



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2.Learned Government Advocate (Crl. Side) submitted that the investigation has been completed and charge sheet also filed for the offences under Sections 294(b), 324, 326 & 506(ii) IPC and the same was taken on filed as C.C.No.17 of 2017, arraying the following four viz., 1.Veeraraghvan, 2.Govindaraj, 3.Mukundan & 4.Venugopal as accused, with listed witnesses Lw1 to Lw14. If the Petitioner has got any material or aggrieved against the charges, he can very well make submission before the trial Court and the trial Court on the materials produced, can alter the charges appropriately.

3.Considering the submissions and perusal of the materials, this Court finds that the Petitioner's husband sustained grievous injuries and two of the accused are employed in Police department. The Petitioner took treatment as inpatient, the medical records produced would confirm that the Petitioner sustained grievous injuries. The Petitioner shall file appropriate Petition before the trial Court and the trial Court considering the materials produced by the Petitioner, shall alter the charges, accordingly.



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4.With the above direction, this Petition is disposed of.

Consequently, connected Miscellaneous Petition is closed.

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(2/2)

Internet : Yes/No

Index : Yes/No

Speaking order/Non-speaking order

sai

To

1.The learned Judicial Magistrate Court,
Ponneri, Tiruvallur District

2.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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