



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD)No.6170 of 2022

M.Mohammed Ismail Riyazudeen

... Petitioner/
Defacto Complainant

Vs.

1.The Superintendent of Police,
District Police Office,
Velunachiyar Vallagam,
Dindigul,
Dindigul District.

2.The Inspector of Police,
Natham Police Station,
Natham,
Dindigul District.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to transfer the investigation in Crime No.76 of 2022 on the file of the second respondent herein to any other investigating agency for free and fair investigation in the light of his representation, dated 21.03.2022 within the stipulated period fixed by this Court.

For Petitioner	: Mr.R.Sakthivel
For Respondents	: Mr.B.Thanga Aravindh Government Advocate (Crl. Side)

ORDER

This petition has been filed for transfer of investigation in Crime No.76 of 2022 from the file of the second respondent to any other Investigating Agency.

2.The learned counsel appearing for the petitioner would submit that due to previous motive against the petitioner, on 24.02.2022, the petitioner's mother was brutally attacked by the accused and sustained grievous head injury. Due to which, she was admitted in Rajaji Government Hospital. Immediately, F.I.R has been registered by the second respondent in Crime No.76 of 2022 for the offences under Sections 294(b), 323 and 506(i) of I.P.C. However, the petitioner's mother died on 02.03.2022 and as such, the second respondent has altered the offences under Sections 294(b) and 302 of I.P.C. Even then, the second respondent failed to secure the accused persons. In fact, A.3 was granted interim anticipatory bail in Cr.M.P.No.690 of 2022 and he was directed to surrender on or before



20.04.2022, failing which, the second respondent was directed to secure A.3. However, the second respondent failed to secure A.3, since he was not surrendered before the trial Court. Insofar as A.1 and A.2 are concerned, the second respondent has not taken any steps to secure them for investigation.

WEB COPY

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondents and perused the materials available on record.

4. On a perusal of the status report filed by the second respondent revealed that after granting interim anticipatory bail to the third accused, he was granted regular bail in Cr.M.P.No.1088 of 2022 on 20.04.2022. Insofar as A.1 and A.2 are concerned, they filed anticipatory bail petition in Cr.M.P.No.1125 of 2022 before the learned Principal District and Sessions Judge, Dindigul and the same was also dismissed. Thereafter, the second respondent is taking steps to secure A.1 and A.2. Therefore, there is no delay on the part of the second respondent with regard to the investigation.

5. Considering the above, change of investigation would not serve any purpose. However, the second respondent is directed to complete the investigation and file a final report within a period of twelve weeks from the date of receipt of a copy of this order. The first respondent is directed to monitor the investigation done by the second respondent.

6. With the above directions, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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,
District Police Office,
Velunachiyar Vallagam,
Dindigul,
Dindigul District.

2.The Inspector of Police,
Natham Police Station,
Natham,
Dindigul District.

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

+1 CC to M/s.R. SAKTHIVEL, Advocate (SR-22494[F] dated 29/04/2022)
Crl.O.P(MD)No.6170 of 2022
28.04.2022

MGJ(19.05.2022) 3P 5C