



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P. (MD)No.10704 of 2020

and

W.M.P. (MD)No.9422 of 2020

R.Chellachamy

...Petitioner

/Vs./

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

2.The Deputy Superintendent of Police,
Kovilpatti, Thoothukudi District.

3.Kalaikathiravan

4.The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.

5.The Inspector of Police,
CBCID, Thoothukudi District.

...Respondents

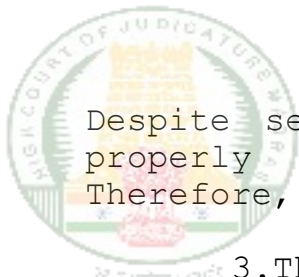
Prayer:Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus, directing the respondents 1 to 4 to transfer the case in Crime No.960 of 2020 on the file of the 4th respondent to 5th respondent or any other agency for conducting the fair investigation in accordance with law and grant police protection to the petitioner's life and limb.

For Petitioner	: Mr.R.J.Karthick
For R1, R2,	: Mr.A.Thiruvadi Kumar,
R4 & R5	Additional Public Prosecutor.
For R3	: No Appearance

ORDER

This Writ Petition has been filed for a direction to the respondents 1 to 4 to transfer the case in Crime No.960 of 2020 on the file of the 4th respondent to 5th respondent or any other agency for conducting fair investigation in accordance with law and grant police protection to the petitioner's life and limb.

2.The main grievance of the petitioner is that one Sub Inspector of Police of the concerned Police Station was instrumental for causing injuries to the parties and has abetted other accused.



Despite several representations made, investigation has not been properly effected and they have not been made as accused. Therefore, this Writ Petition is filed, seeking aforesaid prayer.

3.The learned Additional Public Prosecutor appearing for the official respondents, on instructions, would submit that even before passing the interim order dated 23.09.2020 by this Court, investigation was already completed and the Sub Inspector of Police is also arrayed as accused. Even before filing this Writ Petition, First Information Report was altered, implicating the Sub Inspector of Police, against whom allegations have been pressed into service. As the investigation is already over, arraying the Sub Inspector of Police as accused, final report could not be filed due to the interim order of this Court. Hence, it is his contention that as the investigation already completed, the prosecution may be permitted to file final report before the concerned Court.

4.It is submitted by the learned counsel for the petitioner that because of the complaint against the police officials, there was a threat to the life and limb of the petitioner and after this First Information Report, there were several First Information Reports were filed against the petitioner at the instance of the police officials. Therefore, the matter is to be investigated by some other agency.

5.I have perused the materials on record. From the affidavit filed in support of the Writ Petition and the submissions made by the learned counsel for the petitioner and the learned Additional Public Prosecutor for the official respondents, it appears that the Sub-Inspector of Police is also arrayed as 5th accused in the final report.

6.The final report is placed before this Court. On perusal of the same, it is seen that some of the allegations ventilated by the petitioner have been found place in the final report, including the damage and injuries to the animals and the final report also indicates that the offences punishable under Sections 109, 147, 148, 324, 427 and 506 (ii) IPC have been slapped on the accused.

7.As the final report contains all the necessary allegations to process against whom the grievance raised, this Court is of the view that no further order is required in this matter. It is for the learned Judicial Magistrate to apply his mind, taking note of the various allegations found place in the materials produced by the investigating agency. It is also well open to the learned Judicial Magistrate, while trying the offences to invoke Section 319 of Cr.P.C., if any materials come on record, showing involvement of other accused. The prosecution is directed to file the final report before the concerned learned Judicial Magistrate.



8. With the above observation, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

Myr

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,
Thoothukudi, Thoothukudi District.
2. The Deputy Superintendent of Police,
Kovilpatti, Thoothukudi District.
3. The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
4. The Inspector of Police,
CBCID, Thoothukudi District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

W.P. (MD) No. 10704 of 2020

02.03.2022

se (CO)

TR(11.03.2022) 3P 6C