



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.06.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.10057 of 2022

WEB COPY

S.Jiyavudeen

... Petitioner/ Defacto Complainant

Vs

1. The Commissioner of Police,
Tiruchy City, Tiruchy.

2. The Inspector of Police,
Gandhi Market Police Station,
Tiruchy District.

(Crime No. 592 of 2022).

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the R1 to transfer the investigation of the case in Crime No. 592 of 2022, on the file of the R2 police station to any other competent person, consequently direct his to file a final report before the concerned court within the time.

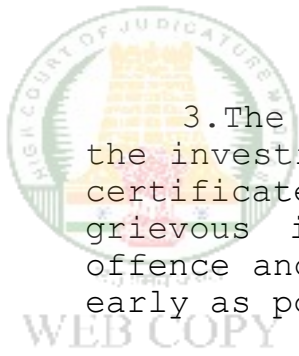
For Petitioner : Mr. P.T.Rameshraj

For Respondents : Mr.M.Sakthikumar,
Government Advocate (Crl.Side)

O R D E R

This Criminal Original Petition has been filed for a direction, to direct the first respondent to transfer the investigation of the case in Crime No. 592 of 2022, on the file of the second respondent police to any other competent person, consequently direct him to file a final report, before the concerned court within the time.

2.The contention of the learned counsel appearing for the petitioner is that after getting information about the incident, the second respondent police has registered FIR only after five days. The defacto complaint has specifically stated in his complaint about the injury and fracture sustained by him. However, the second respondent police has registered the case only under Section 323 IPC alone. The accused easily got bail and again threatened the petitioner. The second respondent has not taken proper steps to register any grave offence against the accused. Under these circumstances, in order to get fair investigation, the petitioner wants to change the investigation from the file of second respondent police to some other agency.



3.The learned Government Advocate (Crl.Side) has submitted that the investigation is not yet completed and after obtaining the wound certificate and medical opinion, if the petitioner sustained grievous injury, the charge sheet would be altered into grave offence and also assured that the investigation will be completed as early as possible.

4.I consider the matter in the light of the submissions made by both the parties and perusal of records reveals the facts that the petitioner was assaulted by the accused and the case has been registered in Crime No.592 of 2022, for the offence under Section 323 IPC. But the petitioner has stated that he sustained grievous injuries. Perusal of accident register reveals that the Doctor, who treated the petitioner has stated that the petitioner has sustained fracture on his left side leg and nature of injury is grievous.

5.Under these circumstances, the learned Government Advocate (Crl.Side) has given assurance that after obtaining the medical certificate and Doctor's opinion, the accused would be charged for the grave offence, if there is any grievous injury and the investigation would be completed shortly.

6.Recording the said submissions, I direct the second respondent police to get the medical opinion and documents from the hospital and ascertain the nature of injuries, sustained by the petitioner and direct to file the final report in accordance with the medical opinion. The second respondent police also directed to complete the investigation and to file a final report before the concerned jurisdictional Magistrate, within three months, from the date of receipt of a copy of this order.

5.With the above directions, this Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PNM

To:

1. The Commissioner of Police,
Tiruchy City, Tiruchy.

2. The Inspector of Police,
Gandhi Market Police Station,
Tiruchy District.



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

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_RD(15.06.2022) 3P 4C