



Crl.O.P.(MD) No.10784 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on	17.06.2022
Delivered on	13.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

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Muniyandi

...Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Manamadurai Circle,
Sivagangai District.

3.The Inspector of Police,
Thiruppachethi Police Station,
Sivagangai District.
In Crime No.75 of 2022.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.
praying to direct the respondents 1 and 2 to change the investigation in
Crime No.75 of 2022 which is pending on the file of the third
respondent, to any other competent officer.



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For Petitioners : Mr.M.Jegadeesh Pandian
For Respondent : Mr.R.Sureshkumar
Govt. Advocate (crl.side)

ORDER

The petitioner seeks a direction to the respondents 1 and 2 to change the investigation in Crime No.75 of 2022 from the file of the third respondent to any other competent officer.

2.Fact:- The petitioner is the defacto complainant and one Palaniyandi's family are the accused. Both are residing in the same area. There is a dispute between them with regard to pathway. On 23.05.2022, at about 10.30 p.m, the accused party assaulted the defacto complainant and his uncle's son by using Aruval and caused grievous injury on the left hand knee. Immediately, the defacto complainant was taken to the Government Hospital, where he lodged the complaint before the third respondent police as against the accused and the same was registered in Crime No.75 of 2022 for the offences punishable under Sections 341, 294(b), 324, 506(2) of IPC. Though in the occurrence, two of them had



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sustained serious injuries, the third respondent had chosen to register FIR only for the offences under Section 324 IPC instead of 307 IPC. Hence, the petitioner/defacto complainant filed this petition seeking transfer of investigation.

3.The learned counsel appearing for the petitioner submitted that in the occurrence, the petitioner sustained grievous injuries, but the third respondent police registered the case only under Sections 341, 294(b), 324, 506(2) of IPC alone and not under Section 307 IPC. The third respondent had not investigated the case properly. Hence, the petitioner sent a representation to the first respondent/Superintendent of Police on 26.05.2022, but no action has been taken. Hence, the present petition.

4.The learned Government Advocate (criminal side) appearing for the respondent police submitted that the case was registered on 24.05.2022 and the same is under investigation. The respondent police registered the case based on the injuries sustained by the petitioner. The allegation raised by the petitioner is unsustainable. After investigation, if



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any serious charges are made, it will be included at the time of filing the charge sheet. Hence, at this stage, there is no necessity to change the investigation to the another Officer.

5. I have considered the rival submissions of the learned counsel appearing on either side.

6. It is seen from the records that the petitioner is the defacto complainant and there is a dispute with regard to the pathway between him and the accused' family. Both are residing adjacent to the pathway. Since the defacto complainant got favourable verdict from the Court, there was enmity between them. On the occurrence date, the accused family assaulted the petitioner and his uncle's son Mohan and caused grievous injuries to them. The grievance of the petitioner is that the third respondent police has registered the case only under Sections 341, 294(b), 324, 506(2) of IPC by omitting under Section 307 IPC. Now, the case is under investigation. After getting medical opinion about the nature of the injuries and after recording the evidence, the respondent



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police can arrive at conclusion of the nature of the offence and thereafter, they filed the charge sheet by altering the offences. Thereafter, the Court will take cognizance of the case and frame the charges as against the accused. Therefore, the reason stated by the petitioner for transfer of investigation to some other Investigation Officer is not acceptable one. I find no merit in this petition.

7.Hence, this Criminal Original Petition is dismissed.

13.07.2022

Internet: Yes

Index: Yes/No

Speaking/Non speaking order
skn

To

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

2.The Deputy Superintendent of Police,
Manamadurai Circle,
Sivagangai District.

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



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V.SIVAGNANAM, J.

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