



CrI.O.P.(MD) No.11765 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2022

CORAM:

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

CrI.O.P.(MD) No.11765 of 2022

and

CrI.M.P(MD) No.7430 of 2022

Sudhan,

: Petitioner

Vs

1. The Director General of Police,
No.1, Kamarajar Salai,
Mylapore, Chennai.

2. The Superintendent of Police,
Kanyakumari District, at Nagercoil.

3. The Inspector of Police,
CBCID Nagercoil,
Kanyakumari District

4. The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
Crime.No.134 of 2022.

5. John Victor,

: Respondents



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PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to transfer the investigation of Crime.No.134 of 2022 from the file of the fourth respondent to the third respondent.

For Petitioner : M/s.Sreenivasan M R,
For R1 to R4 : Mr.R.Suresh Kumar,
Government Advocate (Crl.Side)

ORDER

This criminal original petition has been filed seeking a direction to transfer the investigation in Crime.No.134 of 2022, from the file of the fourth respondent to the third respondent.

2.The learned Counsel appearing for the petitioner submitted that at the instigation of one Denis, the fifth respondent lodged a false complaint and for the same, an FIR in Crime No.134 of 2022 has been registered by the fourth respondent herein as against the petitioner and another accused person.

3.The learned Government Advocate (Crl.Side) submitted that the petitioner is the first accused in this case and the case is under investigation.

4.I have considered the submissions made by both the parties.



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5. On a perusal of records, it reveals the fact that the petitioner is the first accused. The petitioner along with one other accused person, namely, Pravin, assaulted the fifth respondent and caused injury to him. Hence, the fifth respondent lodged a complaint and for the same, an FIR in Crime No.134 of 2022, for the offences under Sections 147, 447, 294(b), 323 and 506(1) IPC, has been registered by the fourth respondent herein as against the petitioner and the said Pravin.

6. In view of the above, I am of the opinion that the accused person has no right to seek change of investigation and particularly, the accused person cannot choose the investigation officer. Further, there is no material on record to show that the investigation officer acted prejudicially to the right of the accused persons. Apart from this, the petitioner/first accused got anticipatory bail in Crl.O.P(MD)No.5391 of 2022, dated 24.003.2022 and now, he is enjoying the bail. Under these circumstances, without having any reason, he cannot seek transfer of investigation and further, such a right to an accused person is not guaranteed in the Constitution of India.



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7.Hence, in the absence of any valid reason, I find no merit in this criminal original petition and the same is dismissed. Consequently, connected miscellaneous petition is closed.

01.07.2022

Internet:Yes
Index:Yes/No
Speaking/Non speaking order
lr

To

1. The Director General of Police,
No.1, Kamarajar Salai,
Mylapore, Chennai.
2. The Superintendent of Police,
Kanyakumari District, at Nagercoil.
3. The Inspector of Police,
CBCID Nagercoil,
Kanyakumari District
4. The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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V.SIVAGNANAM, J.

lr

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