



CrI.O.P.(MD) No.11850 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.07.2022

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THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.11850 of 2022

R.Nagendran

... Petitioner

Vs

1. The Commissioner of Police,
Office of the Commissioner of Police,
Alagar Kovil Road,
Madurai District.

2. The Superintendent of Police,
CBCID,
B.B.Kulam, Narimedu,
Madurai.

3. The Inspector of Police,
Karimedu Police Station,
Madurai City.
(in Crime No. 382 of 2022)

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to issue a direction to the first respondent to transfer the further investigation in connection with Crime No.382 of 2022, dated 24.05.2022 from the third respondent to the second respondent within the time frame fixed by this Court.



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For Petitioner : Mr.G.M.Xavier

For Respondents : Mr.R.Suresh Kumar
Government Advocate (CrI.Side)

ORDER

This Criminal Original Petition has been filed seeking for a direction to the first respondent to transfer the further investigation in connection with Crime No.382 of 2022, dated 24.05.2022 from the third respondent to the second respondent within the time frame fixed by this Court.

2. The case of the prosecution is that there was a wordy quarrel between the railway staffs regarding the cancellation of transfer order, due to which, the other accused persons prevented the petitioner, attacked him with iron rod and also caused injury and both parties assaulted each other. Hence the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is working in the southern railway as TM-III is SSE/P.WAY/VPT Section. On 16.05.2022, he joined duty at the transferred place Pasumalai, Madurai on his own request. The petitioner is a Divisional President of the trade



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union, namely SRES (Southern Railway Employee's Sangh) 4th grade servant of the Engineering Department. He further submitted that the SSE (Senior Section Engineer) and ADE (Assistant Divisional Engineer) informed the petitioner that the Divisional Secretary of SRMU Mr.J.Mohamed Rafeekudeen and Assistant Divisional Secretary Mr.Seetharaman wants to revoke the transfer order and sent the petitioner back to his parent place. In view of the same, on 24.05.2022 at about 11.a.m both parties approached the Manager for giving representation and at that time there was a wordy quarrel between both parties and assaulted each other.

4. Therefore, the petitioner gave a complaint against the Assistant Divisional Secretary/ Mr.J.Mohammed Rafeekudeen, and the same was not registered immediately. Mr.J.Mohammed Rafeekudeen gave a complaint against this petitioner, and the same was registered immediately in Crime No. 381 of 2022. Subsequently, the petitioner has also gave a complaint which has been registered by the respondent police. So far the accused were not arrested by the police and they were collusion with the accused person. Therefore, he seeks transfer of the investigation.



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5. The learned Government Advocate (Crl Side) appearing for the respondents submitted that there was a wordy quarrel between the two rival union of the railway. Both the parties gave a complaint against each other. The case has been registered in crime No.381 of 2022 for the offences under Sections 147, 148, 294(b), 353 and 506(ii) of IPC. This petitioner gave a complaint and the same has been registered in Crime No. 382 of 2022 for the offences under Sections 147, 148, 341, 323, 324 and 506(ii) of IPC both the cases are under investigation. The accused in Crime No. 381 of 2022 approached this Court seeking anticipatory bail, and the same was ordered on 01.06.2022 and it is pending for under investigation.

6. I have considered the submissions, it is seen from the records that the petitioner belongs to one of the union and the accused persons belongs to another union. There was a wordy quarrel between two unions of Divisional Engineer office and both parties assaulted each other and gave a complaint and two cases have been registered in Crime No.381 of 2022 and 382 of 2022 and the same are under investigation. Apprehension of the petitioner is that the respondent police colluding with the accused. There is no substantial material assigned for the malafied activities of both parties.



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7. In these circumstances, there is no merit with regard to the transfer of investigation from the third respondent to second respondent. Hence, this Criminal Original Petition is dismissed.

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Internet: Yes./No

Index: Yes/no

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2. The Superintendent of Police,
CBCID,
B.B.Kulam, Narimedu,
Madurai.
3. The Inspector of Police,
Karimedu Police Station,
Madurai City.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

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