



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23/03/2022

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Crl.O.P. (MD)No.10020 of 2019

WEB COPY

P.Krishnasamy

...Petitioner/De-facto complainant

Vs.

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

2.The Deputy Superintendent of Police,
Musiri, Trichy District.

3.The Circle Inspector of Police,
Uppiliapuram Police Station,
Thuraiyur Taluk, Trichy District.

4.The Sub Inspector of Police,
Uppiliapuram Police Station,
Thuraiyur Taluk, Trichy District,
(In Crime No.95 of 2019)

5.The Deputy Superintendent of Police,
CBCID, Trichy.

...Respondents/Complainants

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the first respondent to withdraw the case in Crime No.95 of 2019 pending on the file of the 4th respondent and entrust the same to the respondent No.5 for investigation of the case by a competent officer and final a final report before the Jurisdictional Magistrate within a stipulated time fixed by this court.

For Petitioner : Mr.N.Anandakumar

For Respondents : Mr.SS.Madhavan
Government Advocate
(Criminal side)

O R D E R

This criminal original petition is filed seeking for transfer of the investigation in Crime No.95 of 2019 from the file of the 4th respondent to the file of the 5th respondent and final a final report before the Jurisdictional Magistrate within a time.



2.The facts in brief:-

The petitioner and one Rajendran are neighbours. Rajendran is the close relative and he is residing adjacent to his house. A pathway is situated on the souther side of the house, which runs east-west. The above said Rajendran frequently quarrelled with the petitioner and also prevented him from using the pathway. He was also beaten and on one occasion, at the intervention of the villagers it was compromised. On 07/04/2019, when he parked his vehicle in the street, the above said Rajendran abused him in filthy language and attacked him, causing injuries in a panchayat that took place in the village. He was pacified by the villagers. Since the Rajendran tendered apology, no complaint was preferred by him. In the panchayat, it was agreed that the families can park their vehicle utilizing 3 feet space and the remaining 5 feet left for transport.

3.On 23/04/2019, when he was returning from to his home, he parked his vehicle. At that time, the above said Rajendran abused him in filthy language, attacked him with cricket bat and later, he pushed his wife down. The wife of the above said Rajendran also attacked him with cricket bat. His wife was also beaten up. Again the son of the said Rajendran was also attacked him with aruval. After making a life threat, the above said Rajendran went away from the place of occurrence.

4.He was admitted in the Thuraiyur Government Hospital and in the hospital, his statement was recorded by the Upiliapuram police. But he brought another complaint by deleting the name of the above said Rajendran. He was directed to put his signature in the complaint. But he refused. He called the Sub Inspector of Police by name Chidambaram through phone. He also abused him. The petitioner sustained fracture on his right hand and because of the attack made by Rajendran, he also underwent surgery. He incurred the medical expenses of Rs.2,00,000/-. So seeking transfer of the investigation, this petition has been filed.

5.Heard both sides.

6.The only ground, on which this petition filed is that purposely the 4th respondent has manipulated the complaint given by petitioner and also deleted the name of Rajendran.

7.From the preamble portion, it is seen that both the petitioner as well as the above said Rajendran has compromised the issue. It appears that the matter was compromised by the village elders. This is the third occurrence and subsequent in which, according to the petitioner, he and his wife was brutally attacked by the above said Rajendran, his wife Santhi and his son Rajesh. Purposely Rajesh name was deleted from the investigation process at the investigation of the 5th respondent.



8.The entire CD file has been called for and perused and the status report has also been filed, wherein we find that the above said Rajendran and his wife Santhi have been shown as accused persons. Originally the statement of complaint given by the petitioner was assigned with CSR No.84 of 2019 and after making preliminary enquiry only, the case was registered. Now in the complaint, the petitioner put his left hand thumb impression and according to the petitioner, it is not at all his statement and thumb impression. A portion of the investigating process is also over. Further perusal of the CD file shows that Rajesh has also added as 3rd accused and final report is also made ready and wound certificate has also been obtained.

9.Now the grievance of the petitioner has been redressed by adding the above said Rajesh, as also one of the accused. It is also submitted before the concerned court, on 23/02/2022.

10.So, I find no reason to transfer the investigation at this stage and accordingly, this petition is liable to be dismissed.

11.In the result, this criminal original petition is **dismissed**.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

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Sub Assistant Registrar(CS)

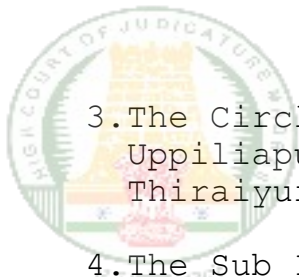
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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To,

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

2.The Deputy Superintendent of Police,
Musiri, Trichy District.



- 3.The Circle Inspector of Police,
Uppiliapuram Police Station,
Thiraiyur Taluk, Trichy District.
- 4.The Sub Inspector of Police,
Uppiliapuram Police Station,
Thuraiyur Taluk, Trichy District,
(In Crime No.95 of 2019)
- 5.The Deputy Superintendent of Police,
CBCID, Trichy.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER MADE IN
Crl.O.P. (MD)No.10020 of 2019
23/03/2022

PKP/09.06.2022/4P/7C