



Crl.O.P.(MD) No.18229of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.11.2022

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.18229 of 2022

Soundirapandian

...Petitioner

VS

1. The Superintendent of Police
Office of the Superintendent of Police
Sivagangai District.

2. The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
In Crime No.279 of 2022

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the first Respondent to look into the Petitioner's representation dated 22.07.2022 and appoint a competent investigation officer to conduct further investigation in connection with Crime No.279 of 2022 on the file of the second Respondent.

For Petitioner	: Mr.D.S.Haroon Rasheed
For Respondents	: Mr.T.Senthil Kumar Additional Public Prosecutor



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ORDER

WEB COPY This Criminal Original Petition had been filed to direct the first Respondent to look into the Petitioner's representation dated 22.07.2022 and appoint a competent investigation officer to conduct further investigation in connection in Crime No.279 of 2022 on the file of the second Respondent.

2. The learned Counsel for the Petitioner would submit that the second Respondent had conducted enquiry regarding the involvement of the son of the Petitioner in a murder case in Crime No. 279 of 2022. It is the further submission of the learned Counsel for the Petitioner that his relative's son committed murder on mere apprehension that he had been falsely implicated in this murder case by the police officials. Fearing for the same, when the police officials visited the house of the Petitioner he submitted that his son's name as Muniyandisamy but the Police conducted enquiry regarding Muneeswaran. The Petitioner informed the Police that his son was very much available in home and he is not involved in murder and he is ready to appear before the Respondent for enquiry. In spite of the same, they had altered the name in the charge sheet as Muniyasamy @ Muniyandisamy. Therefore he had filed this petition seeking further investigation. It is the submission of the learned Counsel for the Petitioner that if the son of the



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Petitioner is produced in the police station they can verify with the victim and the witnesses whether his son was involved or not and they can act accordingly. Intead of verification from the Respondent, they had altered the name of the second accused in the charge sheet in their records as Muneeswaran @ Muniyandisamy.

3. The learned Additional Public Prosecutor would submit that the Petitioner had moved anticipatory bail before this Court in CrI.O.P(MD) No. 20032 of 2022 and the same was dismissed on 11.11.2022. Therefore he cannot seek the extra ordinary powers of this High Court under Section 482 of Cr.P.C seeking further investigation.

4. In view of the law laid down by the Hon'ble Supreme Court reported in **(2018) 10 SCC 753** in the case of ***Romila Thapar and Others Vs. Union of India and Others***, the accused cannot invoke power under Section 482 of Cr.P.C seeking direction for further investigation or transfer the investigation. It is only for the Complainant and the witnesses.



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5. In the light of the above, the Criminal Original Petition stands dismissed.

17.11.2022

Internet: Yes./No

Index: Yes/no

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To

1. The Superintendent of Police
Office of the Superintendent of Police
Sivagangai District
2. The Inspector of Police
Sivagangai Town Police Station,
Sivagangai District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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