



Crl.O.P.(MD) No.17596 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.10.2022

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THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.17596 of 2022

Palsamy

...Petitioner

VS

**1.The Superintendent of Police,
Tenkasi District,
Tenkasi.**

**2.The Inspector of Police,
Uthumalai Police Station,
Tenkasi District.**

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to transfer the investigation of the case in Crime No.137 of 2022 on the file of the second Respondent to any other investigation agency and to conduct fair investigation.

For Petitioner : Mr.A.Sankararamasubramanian

**For Respondents : Mr.B.Nambiselvan
Additional Public Prosecutor**



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ORDER

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This Criminal Original Petition has been filed to transfer the investigation in Crime No.137 of 2022 from the file of the second Respondent to the file of any other Investigation Agency and to conduct fair investigation.

2.It is the submission of the learned Counsel for the Petitioner that the occurrence took place on 23.08.2022, when the Petitioner was proceeding to his agricultural field for irrigating the land crops. At that stage, the adjacent land owners prevented him from taking water from the common Well and had assaulted him, by which he sustained injuries. He was taken to the hospital by his son on two wheeler. On the way also, the accused persons came and attacked both the father and son. In spite of the injury, the son of the Petitioner brought the Petitioner to hospital and he was treated as in-patient in the hospital and had undergone treatment.

3.The learned Counsel for the Petitioner furnished the copies of the medical records for having undergone surgery for the fracture suffered in



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the Petitioner's leg. While so, the Officials from the second Respondent police station came to the Government Hospital, Sankarankovil and recorded the statement of the Petitioner. After recording the statements, there were no further steps. Therefore, the Petitioner had addressed the higher Officials. Only then, he came to know that a counter complaint was received from the aggressors and on the basis of that only, two FIRs had been registered.

4.It is the further contention of the learned Counsel for the Petitioner that even though there is imminent danger to the Petitioner's life from the aggressors, none of them had been arrested so far. Therefore, he seeks transfer of the investigation from the file of the second Respondent to any other agency.

5.The learned Additional Public Prosecutor for the Respondents by way of reply submits that the FIR was promptly registered as case and counter case. This clash took place due to the irrigation dispute by sharing the water from the common Well for agricultural purpose. The second Respondent had promptly registered the case as case and counter case. FIR



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in Crime No.137 of 2022 is with regard to the Petitioner's complaint and the FIR in Crime No.138 of 2022 is with regard to the complaint received from the other party, wherein the Petitioner herein had been arrayed as accused. He would further submit that only on 23.08.2022, the FIR was registered and out of 10 witnesses, 5 witnesses had been examined.

6.Considering the submission of the learned Additional Public Prosecutor, the first Respondent/the Superintendent of Police, Tenkasi District, is directed to nominate a Senior Officer not below the rank of Deputy Superintendent of Police to supervise the investigation in this case as to whether the investigation proceeds fairly and to conclude the investigation within the reasonable period of one month from the date of receipt of a copy of this order.

7.With the above direction, this Petition is disposed of.

Internet:Yes/No
Index:Yes/No
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To

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- 1.The Superintendent of Police,
Tenkasi District,
Tenkasi.
- 2.The Inspector of Police,
Uthumalai Police Station,
Tenkasi 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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