



Crl.O.P(MD)No.17634 of 20

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.11.2022

CORAM :

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P(MD).No.17634 of 2022

Ramasamy,

: Petitioner

Vs

1. The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram

2. The Deputy Superintendent Of Police,
Kamuthi,
Ramanathapuram
District

3. The Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District.
(Crime No.337/2022).

: Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to transfer the investigation in Crime No.337/2022 dated 10.09.2022 on the file of the 3rd respondent police to another investigation officer to bring the truth in the matter.



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For Petitioner : Mr.M.Pandian

For Respondents : Mr.B.Nambiselvan
Additional Public Prosecutor

ORDER

This criminal original petition had been filed seeking transfer of investigation in Crime No.337/2022, dated 10.09.2022, on the file of the third respondent police to another investigation officer.

2.The learned counsel appearing for the Petitioner submits that he had given a complaint to the third Respondent. In that complaint, he had used the words, which were used against him by the accused persons, which attract the offence under Scheduled Caste and Schedule Tribes (Prevention of Atrocities) Act. By that time, the FIR was registered, but the words uttered by the accused persons attracting the penal provisions of Scheduled Caste and Schedule Tribes (Prevention of Atrocities) Act were removed. Aggrieved by the same, the Petitioner had sought for transfer of investigation from the file of the third respondent.

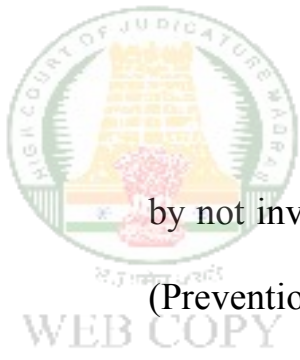
3.The learned Additional Public Prosecutor submitted that the original complaint did not contain the words, which are now stated by the Petitioner. It



is a case in counter in the Crime Nos.337 and 338 of 2022, on the file of the third respondent. Further, investigation has been completed in the case in Crime No.338 of 2022 and final report has been laid on 16.09.2022, before the Court concerned.

4.Also, the learned Additional Public Prosecutor invited the attention of this Court to the contents of the FIR and the contents of the complaint. Initially, there was no such words as per the Petitioner's complaint. This is now made as after thought. Moreover, the investigation in Crime No.337 of 2022 had been completed. Therefore, he vehemently objects to withdraw the investigation from the file of the third respondent.

5.Considering the fact that this is a case and counter, for which, the FIR in Crime Nos.337 and 338 of 2022 have been registered, the investigation in Crime No.338 of 2022 had been completed and final report had also been filed before the Court concerned and in the light of the vehement objection raised by the learned Additional Public Prosecutor, the Superintendent of Police, Ramanathapuram District is directed to peruse the CD File in Crime No.337 of 2022, on the file of the Inspector of Police, Kamudhi Police Station and to supervise the same. If there is negligence on the part of the third Respondent



by not invoking the penal provisions of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, after recording the statement of witnesses and wanton negligence on the part of the third Respondent, the Superintendent of Police/first Respondent may pass appropriate orders, thereby, withdrawing the investigation from the file of the third Respondent and transferring it to an Officer not below the rank of the Deputy Superintendent of Police and proceed with the investigation.

6.After such investigation, if it is found that the Investigation Officer in the rank of the Deputy Superintendent of Police arrives at a conclusion that there is involvement of the offences under Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, the first Respondent may include such offence and supervise the investigation.

7.With the above directions, this criminal original petition stands disposed of.

14.11.2022

Index :Yes/No
Internet : Yes/No
lr



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To

1. The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram

2. The Deputy Superintendent Of Police,
Kamuthi,
Ramanathapuram
District

3. The Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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