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Crl.OP.No.3035 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.3035 of 2023

G.Dhamodharan

... Petitioner

Vs.

1. The Superintendent of Police,
Namakkal.

2. The Deputy Superintendent of Police,
Namakkal.

3. The State Rep by its
The Inspector of Police,
Puduchatram Police Station,
Namakkal District.

...

Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to transfer the investigation in Crime No.11 of 2023 on the file of 3rd respondent to that of the 2nd respondent considering the nature, gravity and seriousness of the offences.

For Petitioner
For Respondent

: Mr.S.Varanesh
: Mr.S.Santhosh
Government Advocate(Crl.side)



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ORDER

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This Criminal Original Petition has been filed to transfer the investigation in Crime No.11 of 2023 on the file of 3rd respondent to that of the 2nd respondent considering the nature, gravity and seriousness of the offences.

2. The learned counsel for the petitioner submitted that petitioner was attacked by Vijayaragavan, Kumaresan, Devarasan, Kanna and Saravanan in connection with pathway dispute. The incident had happened at about 4 PM on 10.01.2023. Petitioner was immediately admitted at Government Hospital, Rasipuram. His statement was recorded only on 11.01.2023. Even thereafter, First Information Report was not registered. Therefore, he gave a representation to the Higher Authorities. Thereafter, FIR was registered only on 13.01.2023. Petitioner had also stated that the accused had stolen a sum of Rs.1,500/- and his cell-phone from him, however, it was not recorded in his statement. Therefore, he filed the present petition for transfer of investigation from the file of the 3rd respondent to the file of the 1st respondent.

3. In response, learned Government Advocate (Crl. Side) submitted that there is a case in connection with Crime No.10 of 2023 registered for the



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offence under Sections 294(b) & 323 IPC against the petitioner. Respondent Police is properly investigating the case. Therefore, he prays for dismissal of the petition.

4. Considered the rival submissions and perused the records. The perusal of the records shows that there are two cases pending against each other namely petitioner and the accused in Crime No.10 of 2023 and Crime No.11 of 2023. It is seen from the records that FIR was not registered in Crime No.11 of 2023 immediately after recording the statement of the petitioner. There is a delay of two days in registering the FIR. FIR was registered only in January 2023. Investigation is in the preliminary stage. Therefore, this Court directs the third respondent to conduct investigation, taking into consideration the claim of the petitioner that the accused has stolen a sum of Rs.1,500/- and a cell phone, and file appropriate final report. Second respondent is directed to monitor the investigation and approve the final report before the final report is filed in the Court.



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G.CHANDRASEKHARAN,J.

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Sma

5. Accordingly, this Criminal Original Petition is dismissed.

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Index : Yes / No

Speaking / Non Speaking order

Sma

To

1. The Superintendent of Police,
Namakkal.
2. The Deputy Superintendent of Police,
Namakkal.
3. The State Rep by its
The Inspector of Police,
Puduchatram Police Station,
Namakkal District.
4. The Public Prosecutor
High Court of Madras

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