



*Crl.O.P.No.15775 of 2023*

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 21.07.2023**

**CORAM :**

**THE HON'BLE MR.JUSTICE N.ANAND VENKATESH**

**Crl.O.P.No.15775 of 2023**

**M.Bakkiyam**

**.. Petitioner**

**Versus**

1. The Commissioner of Police,  
Salem City Police,  
Salem - 636 006.

2. The Dy. Commissioner of Police,  
Salem City Police,  
Salem.

3. The Sub-Inspector of Police,  
Suramangalam Police Station,  
Salem.

**.. Respondents**

**Prayer :** Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the Commissioner of Police, Salem City, the 1st respondent herein to change the Investigating Officer in Crime No.222 of 2023 on file of Suramangalam Police Station from Vasanthakumar, S.I., to some other Investigating Officer not below the rank of Inspector of Police.



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For Petitioner : Mr.R.Sampath Kumar

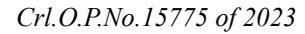
For Respondents : Mr.A.Damodaran,  
Additional Public Prosecutor

**ORDER**

This petition has been filed by the de-facto complainant seeking for the change of investigation in Crime No.222 of 2023 pending on the file of the Suramangalam Police Station to any other Investigating Officer.

2. Heard Mr.R.Sampath Kumar, learned Counsel for the petitioner and Mr.A.Damodaran, learned Counsel for the respondents.

3. The main grievance that was expressed by the petitioner is that the Investigating Officer had wantonly conducted the investigation in a slipshod manner and right from the beginning, the attitude of the respondent Police in not even receiving the complaint from the petitioner, showed that the investigation will not go in the right track. That apart, the manner in which the incident had taken place was also not properly recorded in the F.I.R. Hence the petitioner not being satisfied with the investigation, sought for the transfer of investigation.



5. It is seen from records that the injured has sustained very serious injuries in his leg and it is informed to this Court that the treatment given to him ultimately did not cure him and he has already undergone seven operations. Hence, the Court below shall take into consideration this fact. Even though the Court below has taken cognizance of the Final Report, the same will not come in the way of the Court to order for a further investigation, if the case so warrants. The law on this issue is now settled by the Hon'ble Apex Court in *Vinibhai Haribhai Malaviya and Ors. Vs. State of Gujarat*<sup>1</sup>. Ultimately, the Trial Court must ensure that justice is rendered to the parties. Since the entire materials are now before the Trial Court and the Trial Court has sufficient powers to deal with the situation, it is not necessary for this Court to transfer the investigation at this stage. The

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observations made by this Court will sufficiently take care of the interest of the petitioner.

6. This Criminal Original Petition is disposed off in the above terms.

21.07.2023

Index : yes/no  
Speaking order/Non-speaking order  
Neutral Citation : yes/no  
grs

To

1. The Judicial Magistrate No.II,  
Salem.
2. The Public Prosecutor,  
High Court of Madras.
3. The Commissioner of Police,  
Salem City Police,  
Salem - 636 006.
4. The Dy. Commissioner of Police,  
Salem City Police,  
Salem.
5. The Sub-Inspector of Police,  
Suramangalam Police Station,  
Salem.



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**N.ANAND VENKATESH, J.**  
grs

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