



Crl.O.P.(MD)No.3290 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.02.2023**

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.3290 of 2023

T.Elayaraja

... Petitioner/
Victim

Vs.

1.The Superintendent of Police,
District Police Office,
Karur,
Karur District.

2.The Deputy Superintendent of Police,
DSP Office,
Kulithalai Taluk,
Karur District.

3.The Inspector of Police,
Mayanoor Police Station,
Mayanoor,
Karur,
Karur District.

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to transfer the investigation in Crime No.34 of 2023 on the file of the third respondent herein to any other investigating agency for free and fair investigation in the light of his representation dated 03.02.2023 within a stipulated period as may fixed by this Court.



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For Petitioner : Mr.R.Sakthivel

For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking direction to transfer the investigation in Crime No. 34 of 2023 on the file of the third respondent to any other investigating agency for free and fair investigation in the light of the petitioner's representation dated 03.02.2023 within a stipulated period as may fixed by this Court.

2. The learned counsel appearing for the petitioner would submit that on 24.01.2023, when the petitioner went to Visalachi hotel for having dinner, kerosene smelled food has been served by the hotel servants and when the same was questioned by the petitioner, hotel owner, namely, Narasiman @ Joseph, his son and son-in-law had attacked the petitioner and threatened him by using his caste name in the public place.



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3. The learned Additional Public Prosecutor appearing for the respondents would submit that on the basis of the above said occurrence, two cases viz., a case and counter, have been registered and the same are pending.

4. The main grievance of the petitioner is that even though the petitioner has given a written complaint on 25.01.2023 before the third respondent, no action was taken and no case was registered, but on the basis of the complaint given by his friend's father for the above said occurrence, FIR has been registered in Crime No.34 of 2023 for the offences under Sections 294(b), 324 and 506(2) IPC, but the third respondent has not included the offence under the SC/ST Act.

5. If the offence under the SC/ST Act has not been mentioned in the FIR, the petitioner can appear before the concerned respondent police and give a statement. Depending upon the statement and investigation, further action may be taken in this regard by the concerned respondent police and hence, the question of transferring the case does not arise at all.



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6. With the above direction, this Criminal Original Petition stands
dismissed.

22.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm

To

- 1.The Superintendent of Police,
District Police Office,
Karur,
Karur District.
- 2.The Deputy Superintendent of Police,
DSP Office,
Kulithalai Taluk,
Karur District.
- 3.The Inspector of Police,
Mayanoor Police Station,
Mayanoor,
Karur,
Karur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN,J.

cs m

Order made in
CrI.O.P.(MD)No.3290 of 2023

Dated: 22.02.2023