



Crl.O.P.(MD)No.3451 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.3451 of 2023

Balamurugan

... Petitioner

Vs.

- 1.The Commissioner of Police,
Madurai City,
Madurai.
- 2.The Deputy Superintendent of Police,
CB-CID,
No.83, 3rd Cross Street,
Visalakshipuram,
Madurai.
- 3.The Inspector of Police,
City Central Crime Branch,
Madurai City,
Madurai.
- 4.The Inspector of Police,
Subramaniapuram Police Station,
Madurai City,
Madurai.
- 5.Dhanasekar

6.Senthil

... Respondents

1/6



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PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to withdraw the investigation of FIR No.599 of 2022 dated 18.12.2022 on the file of the fourth respondent and transfer the same to the second respondent for conducting investigation and file final report before the concern Court.

For Petitioner : Mr.R.Murugappan

For R1 to R4 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

For R5 & R6 : Mr.P.Balamurugan

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking direction to withdraw the investigation in Crime No.599 of 2022 dated 18.12.2022 from the file of the fourth respondent to some other officer.

2. The main grievance of the petitioner is that even though the respondents 5 and 6 had brutally attacked the petitioner and also snatched the petitioner's gold chain, mobile phone and ATM card, so far no action has been taken by the respondent police.



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3. The learned Additional Public Prosecutor appearing for the respondents 1 to 4 would submit that on the basis of the complaint given by the petitioner, FIR has been registered in Crime No.599 of 2022 against the respondents 5 and 6, who are the brother-in-laws of the petitioner. The above said fact was suppressed in the complaint, but in the course of investigation, it was found that there existed some dispute between the petitioner and his family members including the private respondents herein, due to which, the above said fact has not been given by the petitioner. He would further submit that investigation is almost completed and they are awaiting for wound certificate.

4. So far as the allegations with regard to the snatching of gold jewels, mobile phone and ATM card, the learned counsel appearing for the respondents 5 and 6 would submit that during the course of taking scan, the above said gold jewel has been removed and in turn it was handed over to the petitioner's father by the petitioner himself and it is also admitted by the petitioner's father in his statement. So far as mobile phone is concerned, the same was handed over to the petitioner that was not received by him, but they have given a complaint making allegation



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against the private respondents stating that they have stolen the mobile phone and with regard to ATM card, there was no allegation and even during the course of investigation that was not found out.

5. Considering the fact that investigation is almost completed and final report is going to be filed after receiving the wound certificate, the question of transferring the case does not arise at all. Accordingly, this Criminal Original Petition stands dismissed.

22.02.2023

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

To

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Deputy Superintendent of Police,
CB-CID,
No.83, 3rd Cross Street,
Visalakshipuram,
Madurai.

3.The Inspector of Police,
City Central Crime Branch,
Madurai City,
Madurai.

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- 4.The Inspector of Police,
Subramaniapuram Police Station,
Madurai City,
Madurai.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN,J.

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Order made in
CrI.O.P.(MD)No.3451 of 2023

Dated: 22.02.2023