



Crl.O.P.(MD)No.7217 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:17.07.2023

CORAM

THE HON'BLE DR.JUSTICE D.NAGARJUN

Crl.O.P.(MD)No.7217 of 2023

Palanikumar

... Petitioner

Vs.

1. The Commissioner of Police,
Madurai City, Madurai.
2. The Assistant Commissioner of Police,
Madurai City, Madurai.
3. The Inspector of Police,
K.Pudur Police Station, Madurai City.
Crime No. 441/2022.
4. The Inspector of Police,
CBCID, Madurai District.

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to transfer the investigation in Crime No. 441/2022 on the file of the 3rd to 4th respondents or any other competent investigation agency or to complete the investigation.



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For Petitioner : Mr.C.Susi Kumar

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

ORDER

This petition is filed seeking for a direction to transfer the investigation in Crime No. 441 of 2022 on the file of the third respondent to fourth respondent or any other competent investigation agency or for direction to complete the investigation.

2. It is submitted by the learned counsel for the petitioner that the on basis of the complaint given by the petitioner to the police that some unknown persons have brutally assaulted and made an attempt on his life, a case in Crime No.441 of 2022 was registered for the offences punishable under Sections 292(b), 324, 427 and 506(1) of IPC, and as there is no progress in the investigation, the petitioner has filed this petition for a direction to transfer the investigation.



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3. During the course of inquiry to this petition, this Court has directed the police to take the statement of the petitioner once again and have considered the wound certificate to see whether there were any ingredients to allege that the accused have committed offences under Section 307 IPC as the petitioner has been contended that even though the police should have registered the case under Section 307 of IPC, the case has been registered only under Section 324 of IPC.

4. Learned Additional Public Prosecutor submits that the police have requested the petitioner to appear before the police for recording the statement, however, he refused to appear stating that he would move the petition before this Court. He further submitted that the police in the meanwhile has collected the wound certificate and basing on injuries, they have altered the question of law and completed the investigation and filed charge sheet on 04.07.2023 for the offences punishable under Sections 147, 148, 294(b), 323, 427, 506(2), 325 and 326 of IPC. Once the charge sheet has already been filed, the very purpose of this petition seeking for transfer the investigation gets defeated and thereby, the cause of action does not survive.



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5. Accordingly, this petition is dismissed. However, the petitioner is at liberty to file either protest petition or petition for further investigation before the trial Court and on filing of such petition, the trial Court is directed to consider the same as per law.

17.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PKN

To

1. The Commissioner of Police,
Madurai City, Madurai.
2. The Assistant Commissioner of Police,
Madurai City, Madurai.
3. The Inspector of Police,
K.Pudur Police Station, Madurai City.
Crime No. 441/2022.
4. The Inspector of Police,
CBCID, Madurai District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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DR.D.NAGARJUN,J

PKN

W.P.(MD)No.7217 of 2023

Dated:17.07.2023