



Crl.O.P.(MD).No.12638 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.08.2023

CORAM:

THE HONOURABLE MR. JUSTICE P.DHANABAL

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Dr.A.Alagesan

... Petitioner

Vs.

1.The Superintendent of Police

Pudukottai District,

Pudukottai.

2.The Deputy Superintendent of Police,

Pudukottai Region,

Pudukottai District.

3.The Inspector of Police

Ponnamaravathi Police Station,

Ponnamaravathi,

Pudukottai District.



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4.Karunakaran

Inspector of Police,
Ponnamaravathi Police Station,
Ponnamaravathi,
Pudukottai District.

5.The Deputy Superintendent of Police,
CBCID Wing,
Trichy.

..Respondents

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to direct the Respondents 1 and 3 to transfer the investigation of the case in Crime No.474 of 2020 from the file of the third Respondent to the fifth Respondent or any other competent authority.

For Petitioner : Mr.P.Gunasekaran

For Respondents : Mr. R.M.Anbunithi
Additional Public Prosecutor



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ORDER

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This Criminal Original Petition has been filed by the petitioner to direct the Respondents 1 and 3 to transfer the investigation of the case in Crime No.474 of 2020 from the file of the third Respondent to the fifth Respondent or any other competent authority.

2. According to the petitioner, he is a Doctor by profession and he is running a hospital in the name and style of "Sri Durga Hospital and Research Centre" in Ponnamaravathy Town and one Vellaiyammal, who was an employee of the petitioner's hospital, left her service 15 years back. Even after that the petitioner supported her financially and she is now residing in Thuvarankurichi Village. Whiles, by taking advantage of the magnanimity of the petitioner, she had attempted to extract money. As a result, she had started to threaten the petitioner and demanded money. Whiles, on 26.09.2020 at about 12.00 p.m. the said Vellaiammal along with some other persons trespassed into the hospital with deadly weapons and assaulted him thereby, he sustained grievous injuries. Hence, he has given a complaint on 26.09.2020. But the fourth respondent has manipulated the original complaint given by the petitioner



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and purposely deleted the vital portion of the complaint in order to protect the accused for extraneous consideration. Apart from that the fourth respondent registered a case in Crime No.474 of 2020 by simply omitting the provisions of SC/ST Act. Hence, he filed this Criminal Original Petition to transfer the case from the file of the third respondent to fifth respondent or any other competent authority.

3. No counter was filed by the respondents.

4. The learned counsel for the petitioner submitted that the petitioner was assaulted by the private respondents and thereby, he lodged a complaint dated 26.09.2020, but the said complaint was altered by the fourth respondent and then registered a case by omitting the provisions of SC/ST Act. Therefore, if the investigation is conducted by the above said officer, the petitioner will not get justice and hence, he filed the above said petition to transfer the investigation of the case in Crime No.474 of 2020.

5. The learned Additional Public Prosecutor appearing for the



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official respondents submitted that the defacto complainant is the husband of the said Vellaiyammal and there is a matrimonial dispute pending between them, thereby, the petitioner lodged a complaint in Crime No.474 of 2020. At the time of registering the FIR, the fourth respondent was working as Inspector of Police and now he was transferred to some other police station. The present Inspector of Police will conduct the investigation in a fair manner and hence, he prays for dismissal of this Criminal Original Petition.

6. Heard the learned counsel on either side and perused the materials available on record.

7. On perusal of records, it is seen that based on the complaint given by the defacto complainant, an FIR was registered in Crime No.474 of 2020. The main contention of the petitioner is that he has given a complaint before the fourth respondent and after that the fourth respondent deleted some portion and omitted to register the FIR under SC/ST POA Act, thereby, the investigation of the Crime No.474 of 2020 has to be transferred to some other agency.



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8. The learned Additional Public Prosecutor has also not seriously raised any objections to transfer this case and considering the allegations made against the fourth respondent, without going into the merits of the matter, it is appropriate to transfer the investigation to the Deputy Superintendent of Police, Pudukottai District / second respondent for proper investigation.

9. In view of the above said discussion, this Criminal Original Petition is disposed of with a direction to the third respondent to hand over the case bundle in Crime No.474 of 2020 to the second respondent police within a week from the date of receipt of a copy of this order. The second respondent / Investigation Officer is directed to conduct the investigation in a fair manner without influencing any observation made by this Court, as early as possible.

11.08.2023

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

RM



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To

- 1.The Superintendent of Police
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- 2.The Deputy Superintendent of Police,
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Pudukottai District.
- 3.The Inspector of Police
Ponnamaravathi Police Station,
Ponnamaravathi,
Pudukottai District.
- 4.The Deputy Superintendent of Police,
CBCID Wing,
Trichy.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL, J.

RM

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