



CrI.O.P.(MD) No.14485 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.08.2023

CORAM:

THE HONOURABLE DR.JUSTICE D.NAGARJUN

CrI.O.P.(MD) No.14485 of 2023

Sikkandhar Badhusah

... Petitioner

Vs.

1.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

2.The Inspector of Police,
Thirupalaikudi Police Station,
Ramanathapuram District,
(in Crime No.97 of 2023).

3.The Inspector of Police,
District Crime Branch,
Ramanathapuram.

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the first respondent to withdraw the investigation in Crime No.97/2023 on the file of the second respondent and entrust the investigation to the third respondent or any other independent investigation agency, under the supervision of any other senior level Police Official.



Crl.O.P.(MD) No.14485 of 2023

For Petitioner : Mr.R.Murugan
For Respondents : Mr.SS.Madhavan
Government Advocate (Crl.Side)

ORDER

This petition is filed by the defacto complainant under Section 482 of Cr.P.C. seeking for transfer of investigation in Crime No.97 of 2023 from the second respondent to the third respondent on the ground that the respondent Police are in collusion with the accused persons.

2. According to the learned counsel for the petitioner, the petitioner has given the complaint when he was admitted in hospital, however, he was not examined so far under Section 161(3) of Cr.P.C. and that medical certificate was also not collected and that the accused persons were not apprehended so far.

3. Learned Government Advocate (Criminal Side) on the other hand submits that Section 41A of Cr.P.C. was applied on the offences alleged against the accused attracts punishment less than seven years and investigation is being



Crl.O.P.(MD) No.14485 of 2023

WEB COURT

proceeded with properly and so far eight witnesses were examined, however, medical certificate is not collected.

4. Considering the circumstances, since the petitioner is apprehending that the involvement of collusion of the third respondent Police with the accused, the Deputy Superintendent of Police, Thiruvadanai, is directed to supervise the investigation of the third respondent and the third respondent are directed to complete the investigation as expeditiously as possible and file the charge sheet before the concerned Court.

5. With the above direction, the Criminal Original Petition is disposed of.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No
tsg
To

16.08.2023

1.The Superintendent of Police,
Ramanathapuar District,
Ramanathapuram.



WEB COPY



Crl.O.P.(MD) No.14485 of 2023

DR.D.NAGARJUN. J.

tsg

- 2.The Inspector of Police,
Thirupalaikudi Police Station,
Ramanathapuram District,
(in Crime No.97 of 2023).
- 3.The Inspector of Police,
District Crime Branch,
Ramanathapuram.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P.(MD)No.14485 of 2023

16.08.2023