



Crl.O.P.(MD) No.16051 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **14.09.2023**

CORAM:

THE HONOURABLE DR.JUSTICE **D.NAGARJUN**

Crl.O.P.(MD) No.16051 of 2023

Krishnakumar

...Petitioner

Vs.

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Tirunelveli District.
- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Tirunelveli District.
- 3.The Inspector of Police,
Thazhaiyuthu Police Station,
Thazhaiyuthu.
- 4.The Sub Inspector of Police,
Thazhaiyuthu Police Station,
Thazhaiyuthu.

5.Petchippandian

6.Shanmugavel

...Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the first respondent to transfer the investigation to any other honest investigating officer and filing in the case in Crime No.255 of 2023 on the file of the respondent police based upon the representation made by the petitioner dated 28.08.2023.



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For Petitioner : Mr.N.Vijalakshmi
For R1 : Mr.B.Thanga Aravindh
Government Advocate (Criminal Side)

ORDER

This petition is filed seeking for a direction to transfer the investigation from the 3rd respondent to any other Police.

2.It is submitted by the learned counsel for the petitioner that there are disputes between the petitioner and the defacto complainant and the petitioner was brutally attacked and he sustained grievous head injuries. Based on which, a case has been given to the 3rd respondent Police. However, the respondent Police though registered the case in Crime No.255 of 2023, the relevant provisions of IPC are not mentioned. According to the petitioner, an attempt was made in the life of the petitioner, thereby Section 307 IPC should be registered against the accused. However, the Police have registered the case for the offences punishable under Sections 109, 147, 148, 324, 379 and 506(ii) IPC.

3.The learned counsel for the petitioner has shown some photographs of the petitioner, who has been undertaking treatment in the hospital to show that there are multiple injuries on her body including his head.



Crl.O.P.(MD) No.16051 of 2023

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4.The learned Additional Public Prosecutor for the respondent Police submitted that the petitioner is the one of the accused in the counter case in FIR No.256 of 2023 registered for the offences punishable under Sections, 147, 148, 294(b), 324 and 506(ii) IPC. He further submitted that FIR has been registered under the relevant provisions and based on the complaint, the Police are proceeding in the right direction. So far as the investigation is concerned, once the report from the Medical Officer is received based on the injury and if any material is submitted by the petitioner, the Police will certainly consider, if necessary, to alter the section of law also.

5.Considering the submissions made by both sides, this Criminal Original Petition is disposed of directing the petitioner to submit the materials, photographs and other medical records, based on which, the respondent Police are directed to investigate and if necessary, to alter section of law.

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

14.09.2023

Yuva



Crl.O.P.(MD) No.16051 of 2023

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To

- 1.The Superintendent of Police,
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- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Tirunelveli District.
- 3.The Inspector of Police,
Thazhaiyuthu Police Station,
Thazhaiyuthu.
- 4.The Sub Inspector of Police,
Thazhaiyuthu Police Station,
Thazhaiyuthu.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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DR.D.NAGARJUN. J.

Yuva

Crl.O.P.(MD)No.16051 of 2023

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