



WEB COPY

Crl.O.P.(MD)No.20963 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.11.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.O.P.(MD)No.20963 of 2023

Mohamed Thoufeek

... Petitioners

Vs.

1.The Superintendent of Police,
District Police Officer,
Collectorate Campus,
Thirupathoor Road,
Sivagangai.

2.The Inspector of Police,
Ilayangudi Police Station,
Ilayangudi-630 702,
Sivagangai District.

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to transfer of investigation by withdrawing the case in Crime No. 301/2023 under sections 147, 148, 294(b), 324, 506(ii), 109 of IPC and under Section 4 of Tamilnadu Prevention of Harassment to Women Act from the 2nd respondent and to entrust the same with any Police investigating agency for free and fair investigation.

For Petitioner : Mr.M.Gurudas

For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor (Crl.side)



ORDER

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This Criminal Original Petition is filed to transfer of investigation by withdrawing the case in Crime No.301 of 2023 under sections 147, 148, 294(b), 324, 506(ii), 109 of IPC and under Section 4 of Tamilnadu Prevention of Harassment to Women Act from the 2nd respondent and to entrust the same with any Police investigating agency for free and fair investigation.

2. Now the grievance of the petitioner is that no proper penal provision is mentioned in the First Information Report in Crime No.301 of 2023.

3. According to the learned counsel for the petitioner, the defacto complainant's son sustained multiple stab injury on his stomach. Without registering the case under Section 307 IPC, only Section 324 IPC is mentioned in the First Information Report.

4. Since the investigation is underway, it is too a premature stage to pass any direction to the second respondent. The petitioner has to wait for reasonable time. Since the defacto complainant's son is taking treatment in Chennai, further statement be recorded from the defacto



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complainant's son. After getting wound certificate, further action may be taken by the second respondent Police.

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

22.11.2023

NCC:Yes/No

Index : Yes/No

Internet : Yes/No

Indu

To

- 1.The Superintendent of Police,
District Police Officer,
Collectorate Campus,
Thirupathoor Road,
Sivagangai.
- 2.The Inspector of Police,
Ilayangudi Police Station,
Ilayangudi-630702,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN. J.

Indu

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