



Crl.O.P.(MD)No.16226 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.16226 of 2024

A.Ananth : Petitioner/Defacto Complainant

Vs.

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

2.The Deputy Superintendent of Police,
Srivaikundam, Thoothukudi District.

3.The State rep.by the Inspector of Police,
Alwarthirunagari Police Station,
Thoothukudi District.
Crime No.72 of 2024.

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the first respondent to withdraw the investigation of the case in Crime No.72 of 2024 from the third respondent and transfer the same to the second respondent.

For Petitioner : Mr.K.Ramadurai

For Respondents : Mr.P.Kottai Chamy,
Government Advocate (Crl. Side)



Crl.O.P.(MD)No.16226 of 2024

ORDER

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This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders, to direct the first respondent to withdraw the investigation of the case in Crime No.72 of 2024 from the third respondent and transfer the same to the second respondent.

2. It is not in dispute that the petitioner has earlier filed a petition in Crl.O.P(MD)No.11167 of 2024, seeking police protection and this Court, considering the submission made by the learned counsel on either side, directed the respondent police to issue written summons to the petitioner as well as the private respondents and to conduct enquiry and conclude the same within a period of two weeks from the date of receipt of copy of that order.

3. The learned counsel for the petitioner would submit that subsequent to the directions given by this Court, they have registered an FIR in Crime No.72 of 2024 on 22.08.2024 for the alleged offence under Sections 49, 191(2), 296(b) and 351(2) of BNS; that though the petitioner has mentioned the occurrence attracted non bailable offence,



Crl.O.P.(MD)No.16226 of 2024

they have only registered the FIR for the bailable offence and that since the close relative of the accused is a police official, they are not taking any serious action, even after registration of FIR.

4. The learned Government Advocate (Criminal Side) appearing for the State would submit that after registration of FIR, they have examined eight witnesses and that the investigation is pending.

5. Except mentioning that non bailable offences were not included in the FIR, the petitioner has not canvassed any other reason or ground to transfer the investigation. Hence, the third respondent is directed to proceed with the investigation and file a final report within a period of four months from the date of receipt of copy of this order.

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

26.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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3/5



Crl.O.P.(MD)No.16226 of 2024

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To

- 1.The Superintendent of Police,
Thoothukudi District, Thoothukudi.
- 2.The Deputy Superintendent of Police,
Srivaikundam, Thoothukudi District.
- 3.The State rep.by the Inspector of Police,
Alwarthirunagari Police Station,
Thoothukudi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.16226 of 2024

K.MURALI SHANKAR,J.

das

Order made in
Crl.O.P.(MD)No.16226 of 2024

Dated: 26.09.2024