



Crl.O.P.(MD)No.16396 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.16396 of 2024

S.Sundararaj

... Petitioner

Vs.

1.The Superintendent of Police,
O/o the Superintendent of Police,
Virudhunagar District.

2.The Deputy Superintendent of Police,
O/o the Deputy Superintendent of Police,
Srivilliputhur, Virudhunagar District.

3.The Inspector of Police,
Watrap Police Station,
Virudhunagar District.

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the first respondent to transfer the investigation in connection with Cr.No.210 of 2024 dated 01.09.2024 on the file of the third respondent to any other competent investigation agency and direct the investigation agency to complete the investigation and to file a final report within the time frame that may be stipulated by this Court by considering the petitioner's representation dated 09.09.2024.



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For Petitioner : Mr.A.Balaji
For Respondents : Mr.P.Kottai Chamy
Government Advocate (Crl. Side)

ORDER

This criminal original petition has been filed seeking orders to direct the first respondent to transfer the investigation in connection with Cr.No.210 of 2024 dated 01.09.2024 on the file of the third respondent to any other competent investigation agency and direct the investigation agency to complete the investigation and to file a final report within the time frame that may be stipulated by this Court by considering the petitioner's representation dated 09.09.2024.

2.It is evident from the records that on the basis of the complaint given by the petitioner, FIR in Cr.No.210 of 2024 came to be registered for the offence punishable under Section 118(1) BNS.

3.The learned counsel appearing for the petitioner would submit that the third respondent has registered FIR only against one Sivakumar, that the petitioner specifically alleged in his complaint that only at the instigation of one Chakaravarthi and one Mariyammal, the said



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Sivakumar assaulted the petitioner, but, they were not added as accused in FIR and hence, the petitioner has given a complaint before the first respondent and the same was forwarded to the second respondent, but no action was taken. He would further submit that in the attack made by the accused, the petitioner had lost his tooth and he had taken treatment as inpatient for four days at Government Hospital, Virudhunagar and that the proposed accused, namely Mariammal is working as Head Constable in the same Police Station.

4.The learned Government Advocate(Crl.side) appearing for the respondents would submit that the investigation is pending and they have examined 8 witnesses.

5.Considering the submissions made on either side and taking note of the fact that the proposed accused is working as Head Constable in the same Police Station, the second respondent is directed to consider the petitioner's representation dated 09.09.2024 and pass orders, within a period of two weeks from the date of receipt of a copy of this order.



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6.With the above directions, this criminal original petition is disposed of.

27.09.2024

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

To

- 1.The Superintendent of Police,
O/o the Superintendent of Police,
Virudhunagar District.
- 2.The Deputy Superintendent of Police,
O/o the Deputy Superintendent of Police,
Srivilliputhur, Virudhunagar District.
- 3.The Inspector of Police,
Watrap Police Station,
Virudhunagar District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

gns

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