



CrI.O.P(MD).No.19587 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 13.11.2024

CORAM:

THE HONOURABLE **MR.JUSTICE M.NIRMAL KUMAR**

CrI.O.P(MD).No.19587 of 2024

A.Pandiyarajan

... Petitioner / Defacto Complainant

Vs

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

2. The Inspector of Police,
Nathampatti Police Station,
Virudhunagar District.
(Crime No.106 of 2024)

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying this Court to direct the 1st respondent to transfer the investigation in Crime No. 106 of 2024 on the file of the 2nd respondent to any other competent officer.

For Petitioner : Mr. R.Pon Karthikeyan

For Respondents : Mr. A.Thiruvadi Kumar,
Additional Public Prosecutor
(Criminal Side)



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ORDER

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The petitioner / defacto complainant had given a representation to the Superintendent of Police in person on 23.09.2024 and thereafter followed by post on 14.10.2024.

2. The contention of the petitioner is that on 13.09.2024, 5 persons entered the house of the petitioner and attacked and assaulted the petitioner with deadly weapons using knife causing stab injuries and cut injuries on his back head, shoulder, chin, kneck and various parts of the body by one Selvam, Murugan, Sakthivel, Dinesh and Ranjithkumar. This was in the early hours at 2.00 a.m. These 5 persons entering into the house attacking the petitioner with deadly weapons has been witnessed by his wife, mother and father. Thereafter, the accused fled from the scene. The petitioner was first taken to Watrap Government Hospital in a 108 ambulance and later transferred to the Government Hospital in Virudhunagar. In the accident register, the injuries recorded. But the respondent police registered a case only against one Dinesh and others. The injuries sustained are serious and life-threatening, yet the respondent police registered a case for lesser offenses under Sections 333, 296(b), 111, 118(i), and 351(3) of the BNS. Hence, the above petition.



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3. The learned Additional Public Prosecutor (Criminal Side), on instructions, submits that the petitioner is implicating 5 persons attacked him and when the petitioner was immediately taken to the Watrap Government Hospital at about 3.00 a.m. on 13.09.2024, at that time, it is recorded in the accident register, one unknown person attacked him thereafter, he was referred to Government Hospital, Virudhunagar at 4.30 a.m. in which it is recorded, 2 unknown persons attacked him. Further 6 or 7 injuries have been recorded. All the injuries are laceration and it is not as contended by the petitioner and there is no serious injuries of stab or cut injuries. He further submitted that on the complaint of the petitioner, one Karthik was arrested and he has now come out on bail. After Karthik was arrested and released on bail, this petition filed, which requires consideration. The petitioner, if appears before the respondent police along with any other supporting materials, the same will be considered, since investigation is in progress and appropriate steps will be taken by the investigating officer.

4. The learned counsel for the petitioner submits that the petitioner has no reason to falsely implicate the 5 persons. Earlier to the incident the petitioner was assaulted at the instigation of Selvam and Murugan and one Ranjithkumar stabbed him on stomach and the petitioner took treatment in



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Government Hospital, Virudhunagar and the issue was settled, at the instance of the elders, the petitioner had then withdrawn the complaint. Now finding that all the accused had joined together, and entering the house of the petitioner, the petitioner had lodged a complaint and had given the details of all accused attacked the petitioner which have been witnessed by some eye witnesses.

5. Considering the submissions, the petitioner is directed to appear before the respondent to give his statements and the respondent police is directed to enquire the petitioner and to conduct investigation in the manner known to law. The petitioner to appear before the respondent police on 19.11.2024 and any day thereafter.

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

13.11.2024

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
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Note: Issue order copy on 18.11.2024.



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To

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1. The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
2. The Inspector of Police,
Nathampatti Police Station,
Virudhunagar District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

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