



Crl.O.P.(MD)No.21191 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.21191 of 2024

P.Tamilarasan

... Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Jeeyapuram,
Trichy District.

3.The Sub Inspector of Police,
Somarasampet Police Station,
Trichy District.

4.Vallimuthu,
The Sub Inspector of Police,
Somarasampet Police Station,
Trichy District.

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking a direction to the first respondent to transfer the investigation of the case in Crime No.206 of 2024 on the file of the third respondent Police to the second respondent or to some other competent agency for conducting fair



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investigation by implicating the real accused in the above crime number based on the petitioner's representation dated 15.10.2024.

For Petitioner : Mr.S.Vinayak

For R1 to R3 : Mr.K.Sanjai Gandhi
Government Advocate
(Criminal side)

ORDER

This Criminal Original Petition has been filed seeking a direction to the first respondent to transfer the investigation of the case in Crime No.206 of 2024 on the file of the third respondent Police to the second respondent or to some other competent agency for conducting fair investigation by implicating the real accused in the above crime number based on the petitioner's representation dated 15.10.2024.

2. The learned counsel for the petitioner submitted that the petitioner/de-facto complainant had sent a representation on 15.10.2024, stating that around 15 persons had assaulted him and his brother, resulting in serious injuries. However, the respondent Police have proceeded only against five individuals, not investigating the remaining



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perpetrators. He further submitted that the incident occurred on 01.08.2024, and despite the lapse of four months, no substantial investigation has been conducted. Therefore, the petitioner seeks a transfer of the investigation.

3. In support of his contention, the learned counsel referred to the accident register, which records that the alleged assault was carried out by 20 known males using wooden sticks and stones at 8:00 p.m. on 31.07.2024.

4. The learned Government Advocate (Criminal side) submitted that the petitioner and his brother were treated as outpatients on 31.07.2024. However, the petitioner only approached the respondent Police on 09.08.2024, after which a complaint was registered for the occurrence on 31.07.2024. The petitioner's initial complaint named five persons, and the investigation is proceeding accordingly. The petitioner now seeks to implicate additional persons and requests a transfer of investigation. The investigation is in progress, witness statements have been recorded, and the final report is expected to be filed within two months.



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5. The learned counsel for the petitioner refuted the learned Government Advocate's contention, stating that the petitioner had initially sent a representation on 08.08.2024, alleging that the Sub-Inspector of Police was supporting the assailants and delaying the registration of the complaint. It was only after the representation, the complaint was registered on 09.08.2024. The petitioner also followed up with further representations, asserting that the Sub-Inspector's complacency was diluting the case and preventing the filing of a charge sheet.

6. In response, the learned Government Advocate (Criminal side) submitted that the investigation be handled by the Inspector of Police, Somarasampet Police Station, Trichy District, who would independently conduct the investigation, considering the petitioner's representations. The Deputy Superintendent of Police, Jeeyapuram, Trichy District, will monitor the investigation. The Inspector of Police, Somarasampet Police Station, Trichy District, is directed to conclude the investigation and file a final report within three months from the date of receipt of a copy of this order.



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

04.12.2024

NCC : Yes / No

Index : Yes / No

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Copy to:-

The Inspector of Police,
Somarasampet Police Station,
Trichy District.

To

- 1.The Superintendent of Police,
Trichy District,
Trichy.
- 2.The Deputy Superintendent of Police,
Jeeyapuram,
Trichy District.
- 3.The Sub Inspector of Police,
Somarasampet Police Station,
Trichy District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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Order made in
Crl.O.P.(MD)No.21191 of 2024

Dated: 04.12.2024