



Crl.O.P.(MD)No.21534 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.21534 of 2024

Thiyagarajan

... Petitioner

Vs.

1. The Inspector General of Police,
South Zone,
Pudur Road,
Madurai.
2. The Deputy Inspector General of Police,
Ramanathapuram Circle,
Ramanathapuram,
Ramanthapuram District.
3. The Superintendent of Police,
O/o. The Superintendent of Police,
Collectorate,
Sivagangai.
4. The Deputy Superintendent of Police,
Thiruppathur Sub Division,
N.Pudur,
Thriuppathur,
Sivagangai District.
5. The Sub Inspector of Police,
Thiruppathur Town Police Station,
Thiruppathur,
Sivagangai District.

... Respondents



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PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the first respondent to withdraw the case in Crime No.201 of 2024 from the file of the fifth respondent and transfer the same to some other investigation officer.

For Petitioner : Mr.P.Mohamed Kani

For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the first respondent to withdraw the case in Crime No.201 of 2024 from the file of the fifth respondent and transfer the same to some other investigation officer.

2. The contention of the petitioner is that due to property dispute, the petitioner was attacked by his brother. Based on the complaint of the petitioner, a case in Crime No.201 of 2024 has been registered as against the accused for the offence under Sections 296(b), 115(2), 351(2) of BNS, 2023. Though the injury was grievous in nature, FIR has been registered for only a simply injury. The petitioner was assaulted by his brother and



his brother's son by using iron rod and the same has not been recorded in the FIR. Admittedly, on the information from the Government Hospital, Sivangangai, the respondent police had reached there and they recorded that the petitioner was taking treatment as inpatient. Since the petitioner apprehends that the respondent police would not conduct a fair investigation, the present writ petition came to be filed.

3. The learned Additional Public Prosecutor appearing for the respondents would submit that the Doctor had examined the petitioner on 02.11.2024 and has recorded in the accident register that the petitioner was assaulted by known persons in the hand and the petitioner's wife had accompanied the petitioner. He further submitted that the medical records produced by the petitioner would only confirm that there has been fracture in the wrist. If the petitioner produce the same, it would be considered at the time of filing the final report.

4. Considering the facts and circumstances of the case, the petitioner is directed to appear before the respondent police and produce the documents in support of his contention. Thereafter, the respondent police shall consider the same and to file a final report as expeditiously as



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possible without any further delay.

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

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

09.12.2024

jbr

To

1. The Inspector General of Police,
South Zone,
Pudur Road,
Madurai.
2. The Deputy Inspector General of Police,
Ramanathapuram Circle,
Ramanathapuram,
Ramanathapuram District.
3. The Superintendent of Police,
O/o. The Superintendent of Police,
Collectorate,
Sivagangai.
4. The Deputy Superintendent of Police,
Thiruppathur Sub Division,
N.Pudur,
Thriuppathur,
Sivagangai District.



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5. The Sub Inspector of Police,
Thiruppathur Town Police Station,
Thiruppathur,
Sivagangai District.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

jbr

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