

W.P. CrI(MD)No.16 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED: 28.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

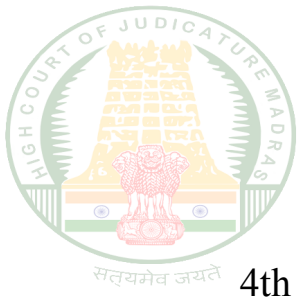
W.P.CrI.(MD)No.16 of 2025 and
WP MP(MD) No.42 of 2025

Ragupathy @ Inbaraghu

... Petitioner

Vs

- 1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Home Department,
Principal Building 2nd Floor,
Rajaji Road
St.George Fort,
Chennai-600 009.
- 2.The Director of Prosecution,
Directorate of Prosecution
No.5, Kamaraj Street,
Chennai-600 005.
- 3.The Inspector General of Police,
Police Head Quarters,
Beach Road,
Chennai.
- 4.The Deputy Inspector General of Police,
Office of the Deputy Inspector General (South Zone),



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4th Street, K.K.Nagar,
Race Course Colony,
Madurai-625 020.

5.The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.

6.The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram,
Ramanathapuram District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents herein to appoint some other investigation officer for investigating the case in Crime No.174/2019 in S.C.No.33 of 2024, on the file of learned Chief Judicial Magistrate, Ramanathapuram, Ramanathapuram District and to file additional charge sheet by considering the petitioner's representation, dated 14.05.2025, in accordance with law, within the time stipulated by this Court.

For Petitioner	: Mr.D.Balamurugapandi
For Respondents	: Mr.E.Antony Sahaya Prabahar Additional Public Prosecutor
For Accused	: Mr.K.Jeyamohan



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ORDER

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The petitioner is an Organizing Secretary of the Ruling Party Youth wing and he is having some dispute with another member of the same political party. According to the petitioner, on 09.06.2019 at about 8.50 p.m, one P.T.Raja along with some hooligans have attacked the petitioner with deadly weapons and caused multiple injuries to him. Therefore, the petitioner has lodged a complaint as against the said P.T.Raja, immediately after occurrence. The petitioner has taken treatment at Government Hospital, Ramanathapuram and thereafter, he took treatment at Vellammal Medical College Hospital, Madurai, wherein, a Wound Certificate was issued to this petitioner on 09.06.2019 that this petitioner has suffered seven stab injuries on his liver and kidney. He underwent an operation for five hours to stop the bleeding in the liver. According to the petitioner, he was admitted in the private hospital on 09.06.2019 and discharged only on 27.06.2019.



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2.The learned counsel for the petitioner has pointed out that considering the nature of injury sustained by the petitioner, anticipatory bail granted to the accused was cancelled by this Court. Thereafter, the accused were arrested and they were released on bail with condition to pay the compensation of Rs.75,000/- to the petitioner/victim. Charge sheet was also filed by the respondent police on 21.12.2019 and the same was taken on file by the learned Judicial Magistrate No.II, Ramanathapuram in PRC No.53 of 2022, on 05.12.2022 and it was committed to the Chief Judicial Magistrate Court now pending in SC No.33 of 2024, from 06.02.2024. The petitioner came to understand that the case has been registered without mentioning the gravity of the injuries suffered by him, has filed this writ petition, seeking a direction to the respondent police to appoint another investigating officer in Crime No.174 of 2019 in SC No.33 of 2024, and to file additional charge sheet by considering his representation, dated 14.05.2025.



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3.Considering the submission made by the learned counsel for the petitioner, this Court, by its order, dated 11.06.2025, directed the Superintendent of Police, Ramanathapuram to file a report as to the allegations made by the petitioner.

4.In pursuant to the earlier order, dated 11.06.2025, a report has been submitted by the respondents that though the case in Crime No.174 of 2019 has been registered for the offence punishable under Section 147, 148, 294(b), 307, 323, 506(ii) IPC, an alteration report has been subsequently filed for the offence under Sections 147, 148, 294(b), 307, 323, 324, 506(ii) IPC before the Judicial Magistrate Court No.II, Ramanathapuram. After committal proceedings, now the case is pending before the Chief Judicial Magistrate Court, Ramanathapuram in SC No.33 of 2024.

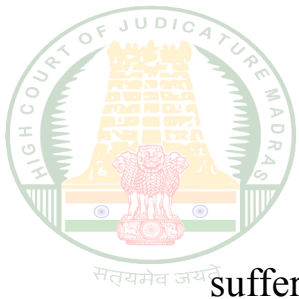
5.This Court considered the rival submissions made and also perused the materials placed on record.



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6.The petitioner suffered injuries in an incident said to have taken place on 09.06.2019. Therefore, he was admitted in Velammal Hospital on 09.06.2019, took treatment and discharged from the hospital only on 27.06.2019. The petitioner has suffered injuries on his liver and kidney. The case was registered initially for the offence under Sections 147, 148, 294(b), 307, 323, 506(ii) IPC. Final report was filed by the respondent police and now taken on file for the offence under Sections 147,148, 294b, 323, 307 and 506(ii) IPC. The main contention of the petitioner is that the nature of injuries suffered by him are not reflected in the final report and there is an attempt to downplay the nature of the injuries. As per the statement of the doctor, who treated the petitioner at Rajaji Government Hospital, the petitioner was treated at the Intensive Care Unit and thereafter, he was referred to Vellammal Medical College Hospital, Madurai, for further treatment. The doctor, who treated him at Vellammal Medical College Hospital, Madurai has stated that this petitioner has suffered seven stab injuries. The Wound Certificate, dated 09.06.2019 reveals that this petitioner has



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suffered seven stab injuries. However, the doctor, who has issued wound certificate states that the injuries are marked as simple. The Radiologist at Vellammal Hospital has also taken CT Scan for thigh and abdomen region on 25.06.2019 and has submitted a report. In his report, he has stated that this petitioner has suffered Grade II and III level injuries. The main grievance of the petitioner is that the respondent police have recorded the injuries as that of simple in nature, while there were apparent stab injuries and registered the case for the offence under Sections 323 IPC instead of 326 IPC.

7. The Wound certificate, dated 09.06.2019 reveals that this petitioner has suffered seven stab injuries. The petitioner was admitted in Velammal Hospital on 09.06.2019 and was discharged on 27.07.2019 after 46 days. It is also claimed by the petitioner that he underwent a surgery, which runs to five hours, in order to stop the leakage of blood in the liver.



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8.The petitioner has suffered seven stab injuries in his vital organs, like liver and kidney. He also underwent a surgery and he took treatment for more than 46 days as inpatient in hospital. Therefore, in all fairness, the investigation agency ought to have registered the case for the offence under Section 326 IPC also. However, at the time of filing the final report, it has been mentioned as 323 IPC. That apart, the case has been registered for the major offence under Section 307 IPC also. With regard to the offence under Section 324 IPC, the trial Court can alter the offence even during the course of trial. Therefore, on this ground alone, this Court is not inclined to order for further investigation, when the final report has already been filed and committed to the Court of Sessions and now pending for trial. This Court is of the view that the delay in conducting further investigation may affect the case of the petitioner.

9.In view of the above observations and discussions, this writ petition is closed with liberty to the petitioner to adduce evidence before the trial Court and also produce relevant documents,



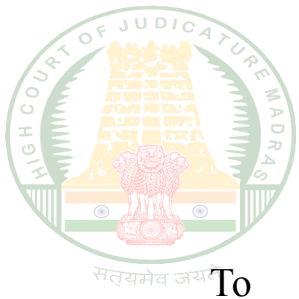
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on the nature of injuries sustained by him. The trial Court is expected to appreciate the same and if it requires, the trial Court may order for alteration of charges and proceed further. No costs.

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Index:Yes
Internet:Yes
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To
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1. The Secretary to Government,
Home Department,
Principal Building 2nd Floor,
Rajaji Road
St. George Fort,
Chennai-600 009.
2. The Director of Prosecution,
Directorate of Prosecution
No.5, Kamaraj Street,
Chennai-600 005.
3. The Inspector General of Police,
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Beach Road,
Chennai.
4. The Deputy Inspector General of Police,
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Ramanathapuram,
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B.PUGALENDHI, J.

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Order made in
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