



Crl.O.P.(MD)No.15775 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:24.06.2026

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THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD)No.15775 of 2023

and

Crl.M.P(MD) No.12557 of 2023

S.Duraisamy

.. Petitioner

Vs.

The Inspector of Police
Reddiarchatram Police Station,
Ottanchatram Circle
Dindigul District

.. Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records with regard to the final report in PRC No.6 of 2023 on the file of the Judicial Magistrate Court, Ottanchatram and to set aside the same and consequently transfer the investigation in Crime No.66 of 2022 to the appropriate authority or any other independent agency for filing final report afresh within the time stipulated by this Court.

For Petitioner : Mr.A.Alagarsamy

For R-1 : Mr.N.Balasubramanian

Counsel for the State of Tamil Nadu (Crl.Side)



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ORDER

This Criminal Original Petition has been filed to call for the records with regard to the final report in PRC No.6 of 2023 on the file of the Judicial Magistrate Court, Ottanchatram and to set aside the same and consequently transfer the investigation in Crime No.66 of 2022 to the appropriate authority or any other independent agency for filing final report afresh within the time stipulated by this Court.

2. According to the petitioner he is the defacto complainant in this case and based on the complaint given by him a case has been registered in Crime No.66 of 2022 for the offences under Sections 302 and 109 of IPC. The son of the petitioner along with his friends attended Gramasaba Meeting on 01.05.2022 and during that meeting the son of the petitioner reported that no steps have been taken by the Village President for drinking water, drainage, sanitation during the temple festival. Due to that complaint the 12 ward Members Muthukumar, son of Tamilselvan enraged with his son and also gave press statement in news-J channel, thereby there was a wordy quarrel between them, at that time son of the petitioner intervened and caused hurt to one Muthukumar, due to the



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issues raised in the Gramasabha meeting and also he raised objection while plumber of the Village panchayat was working on the water taps .

Further they lodged complaint against Siva on 22.05.2022 stating that he had abused the president and after obtaining apology letter from Siva the police released him. While so the respondent has not properly recorded the complaint and thereafter the son of the petitioner died on 04.06.2022 but the police authorities have not allowed to give proper statement. There are telephonic conversation between the accused and the cell phone was also recovered from A4 and the same was handed over to the Investigation officer but the same has been deliberately disregarded. The respondent police have registered a case in Crime No.66 of 2022 for the offences under Sections 302 and 109 of IPC but without conducting proper investigation filed final report deleting the name of A4/ Muruganantham and A5/Balasubramani and thereafter charge sheet has been filed and the same was taken on file by the learned Magistrate and the same is pending in PRC No.6 of 2023 on the file of the learned Judicial Magistrate, Ottanchatram.

3. According to the respondent based on the complaint lodged by the petitioner they registered a case in Crime No.66 of 2022 for the



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offences under Sections 302 and 109 of IPC and thereafter they conducted investigation and filed final report and while the case was pending in PRC No.6 of 2023, at that stage the petitioner filed petition in Crl.O.P(MD) NO.17046 of 2022 seeking transfer of investigation and the same was closed on 14.05.2025. As per the investigation only three accused involved in this occurrence and A4/ Muruganantham and A5/Balasubramani not involved in the occurrence and the respondent police also obtained call details of the above said two persons and there are no connection between A4 and A5, therefore the names of A4/ Muruganantham and A5/Balasubramani have been deleted. However, in this case stay was granted thereby the trial has been stopped after examining 16 witnesses, thereafter filed this petition, therefore prayed to dismiss the petition.

4. In this case it is admitted fact that based on the complaint lodged by the defacto complainant/petitioner a case has been registered in Crime No.66 of 2022 for the offences under Sections 302 and 109 of IPC. During investigation it was revealed that A4/ Muruganantham and A5 and A5/Balasubramani never involved in the occurrence and thereby deleted the names of A4 and A5 at the time of filing final report and the said



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report has been accepted by the learned Magistrate and thereafter the case has been committed to the Sessions Court and the same is pending in SC No.135 of 2023. Already 16 witnesses have been examined. Already the petitioner has filed petition in Crl.O.P(MD) No.17046 of 2022 seeking transfer of investigation and the same was closed as the investigation was completed and final report was also filed and the Sessions case is pending. Suppressing the said facts the present petition has been filed by the petitioner and obtained stay. Since investigation agency had already conducted elaborate investigation and filed final report by citing 77 witnesses and thereafter the case was also taken on file by the trial Court and 16 witnesses have already been examined, at this juncture, it is not appropriate to transfer the investigation. Further earlier this Court also closed the petition filed by the petitioner for the very same relief. On the ground that investigation was completed and the sessions case is pending. The said fact has been suppressed by the petitioner in this petition, therefore it is no appropriate to transfer the investigation and the trial Court is directed to proceed with the case forthwith.



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5. With the above direction, the Criminal Original Petition stands dismissed. Consequently connected miscellaneous petition stands closed.

24.06.2026

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

1.The Inspector of Police
Reddiarchatram Police Station,
Ottanchatram Circle
Dindigul District

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL,J.

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