

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2015

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.15315 of 2015

and M.P.No.1 of 2015

K.Rajendran

... Petitioner

Vs

State Rep. by
The Inspector of Police,
Kadaladi Police Station,
Thiruvannamalai District,
Crime No.130 of 2015.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to transfer the investigation from the respondent, the Inspector of Police, Kadaladi Police Station, Thiruvannamalai District to CBCID, Thiruvannamalai District and investigate the aforesaid case in a proper manner.

For Petitioner : Mr.S.Silambuselvan

For respondent : Mr.C.Emalias,
Addl.Public Prosecutor

सत्यमेव जयते

O R D E R

This petition has been filed to transfer the investigation from the respondent, the Inspector of Police, Kadaladi Police Station, Thiruvannamalai District to CBCID, Thiruvannamalai District and investigate the aforesaid case in a proper manner.

2. The petitioner lodged a complaint before the respondent police stating that his younger son Mr.Jayakumar, aged 23 years, had love affair with one Radhika, daughter of Raja for the past 6 months. The said Raja and his brothers Rajendran and Ramu belonging to Poovampattu Village, Tiruvannamalai District,

approached the petitioner and warned his son to mend his ways by disassociating from Radhika. When the matter stood thus, on 27.04.2015 at about 6.00 a.m., when the petitioner was on his way to visit his farm land, he found blood stain and pool of blood and at the same time, the petitioner realized that his son was missing. It was brought to the notice of the petitioner that on 26.04.2015, the aforesaid persons had wordy quarrel with the petitioner's son and the said incident was witnessed by one Elumalai of the same village. Hence, the petitioner lodged a complaint before the respondent police and the same was registered in Crime No.130 of 2015 for the offence under section 364 IPC. On 27.04.2015, the petitioner received a phone call from Tiruvannamalai Taluk Police stating that a body had been recovered from a forest area on the way to Melpadur Village, near Pachaiamman Koil Odaikaraidam and a complaint was given by the VAO, Melpadoor Group, Chengam Taluk before the Taluk Police Station, Tiruvannamalai District, on 27.04.2015 at about 4.30 p.m., stating that his office assistant informed him that an unidentified body with burn injuries, aged about 25 years, is found in the aforesaid place in a nude state. Based on the complaint, a FIR was registered in Crime No.195 of 2015 for the offence under sections 302 and 201 IPC. The petitioner's son was murdered due to love affair by Raja and his brothers, Rajendran and Ramu. In the confession statement of the accused, it was recorded as if the petitioner's son had been teasing and harassing the said Radhika and after repeated warning, they had murdered the petitioner's son. Hence, the petitioner has come forward with the present petition.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

4. Learned Additional Public Prosecutor has filed a detailed counter and stating that during the course of investigation, on 27.4.2015, one Gopi, Selvavinayagam and Ramu surrendered before the Judicial Magistrate Court, Gingee, in respect of Crime No.130 of 2015 and they were remanded to judicial custody. Their confession statement were recorded and they also seized the one blood stained stone from Gopi, one plastic bottle from Selvavinayagam and a TVS Star City Reg.No.TN-25-AA-2147, from Ramu. One Raja, who had driven the car, in which, the deceased was kidnapped, was arrested on 30.04.2015. He further stated that investigation is pending for examination of some more witnesses and to receive the chemical report and as soon as the reports are filed, the charge sheet will be filed very soon. He further stated that though the case was originally registered at Kadaladi Police Station, subsequently, it was transferred to Tiruvannamalai Taluk Police Station. Two FIRs were registered, one FIR in Crime No.130 of

2015 at Kadaladi Police Station and another FIR in Crime No.195 of 2015 at Tiruvannamalai Taluk Police Station and after completion of investigation, the charge sheet will be filed very shortly.

5. Considering the submissions made on either side, this Court is of the opinion that the investigation is going on in a proper manner and absolutely, there is no valid reason to transfer the case to some other agency. Hence, this Court is not inclined to enter this petition. Therefore, the criminal original petition is dismissed. However, the Deputy Superintendent of Police, Tiruvannamalai, is directed to monitor the investigation and to file a final report as early as possible. Consequently, M.P.No.1 of 2015 is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Inspector of Police,
Kadaladi Police Station,
Thiruvannamalai District,
Crime No.130 of 2015
2. The Deputy Superintendent of Police,
Tiruvannamalai,
3. CBCID, Thiruvannamalai District
4. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.S.Silambuselvan, Advocate sr.64790/15

CrI.O.P.No.15315 of 2015

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