

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.07.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.5928 of 2015

Rajappa

... Petitioner

Vs

1.The Commissioner,
Commissioner of Police,
Salem.

2.The Inspector of Police,
Salem Railway Police Station,
Salem.

.... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C.,
praying to direct the 1st respondent to re-investigate the case in
Cr.No.614 of 2014 under Section 174 Cr.P.C by any other agency.

For Petitioner : Mr.S.Mohanasundararajan

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

O R D E R

This petition has been filed to direct the 1st respondent to
re-investigate the case in Cr.No.614 of 2014 under Section 174
Cr.P.C by any other agency.

2. Heard the learned counsel for the petitioner; learned
Additional Public Prosecutor appearing for the respondents and
perused the materials placed on record.

3. On 01.09.2014, the respondent police found a body
decapitated and severed head on the railway track. The respondent
police registered a case in crime No.614 of 2014 under Section 174
Cr.P.C and took up investigation of the case. Inquest was drawn
and the body was sent to the Government Hospital, Salem for
postmortem. Thereafter, the respondent police filed a Closure
Report on the premise that the deceased Muthu Vignesh had
committed suicide, due to love failure.

4. A copy of the Closure Report has been given to the
petitioner herein the father of Muthu Vignesh. The petitioner is
not satisfied with the investigation conducted by the police and he
believes that his son was murdered. In support of this contention,
learned counsel for the petitioner submitted that the police have
hurriedly filed a Closure Report, even without waiting for Viscera
Report from the Chemical Examiner.

5. Be that as it may, the respondent police appears to have filed Closure Report before the Tahsildar, Salem. Under such circumstances, this Court directs the Tahsildar, Salem to forward the entire report to the learned Judicial Magistrate III, Salem within one week, from the date of receipt of a copy of this order.

6. The copies of the Postmortem Report, Inquest Report and other reports shall be furnished to the petitioner by the respondent police. Liberty is given to the petitioner to file a protest application before the learned Judicial Magistrate III, Salem and on such protest application being filed, the same shall be considered by the learned Magistrate, in the light of the law laid down by the Supreme Court in Vinay Tyagi Vs Irshad Ali reported in 2013 [5] SCC 762.

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

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

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To

1. The Commissioner,
Commissioner of Police,
Salem.

2.The Inspector of Police,
Salem Railway Police Station,
Salem.

3.The Tahsildar, Salem

4.The Judicial Magistrate III, Salem.

5.-do- Thro The Chief Judicial Magistrate, Salem.

6.The Public Prosecutor,
High Court, Madras.

1 cc to Mr. S.Mohanasundararajan, Advocate Sr.No.34038

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