

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.37397 of 2015

V.Kaliyavarathan

... Petitioner

vs.

1. The Deputy Commissioner of Police,
Anna Salai,
Triplicane, Chennai-5.

2. The Inspector of Police,
D.2 Triplicane Police Station,
Triplicane, Chennai-5.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to investigate the case in Crime No.2434 of 2015 on the file of the second respondent and to file a final report within a stipulated period as fixed by this Court.

For Petitioner : Mr.S.Parthasarathy

For respondents : Mr.P.Sanjay Gandhi,
Addl. Govt. Pleader

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the respondents to investigate the case in Crime No.2434 of 2015 on the file of the second respondent and to file a final report within a stipulated period as fixed by this Court.

2. It is the case of the petitioner that his son Sathish Kumar was working as Technician in 'Lapcare Services', which repairs Laptops. The owners of the said firm are one Gopinath and Amarnath. Since one of the owners viz., Amarnath had scolded the petitioner's son, he resigned his job. Thereafter, two months back, the said Gopinath had pacified his son and called him back to the job. On 31.7.2015 at about 12.15 hours, a lady staff from the said firm called the petitioner

over phone and said that his son met with an accident and was admitted in the Apollo Hospital. Similarly, the owner of the firm also informed the petitioner that due to Laptop Cleaners Spray, his son had fainted. When the petitioner went to Apollo Hospital, the hospital authorities informed him that his son was taken to Royapettah Hospital. Thereafter, the petitioner went to Royapettah hospital and it was informed that his son had died due to heart attack. On enquiry with the police, it was informed that his son was murdered by his co-worker viz., Mohan by hitting the deceased with the Laptop Charger on the back side of the head and the same has been recorded in the CCTV camera. Further, the petitioner reliably understand that at the instigation and abetment of the owners viz., Gobinath and Amarnath, the said Mohan murdered his son. But, the second respondent police on the complaint lodged by the owner Gobinath on 31.7.2015, registered a case in Crime No.2434 of 2015 under Section 302 I.P.C. only as against the said Mohan. Hence, the petitioner gave a representation to the first respondent stating that the said Gopinath and Amarnath would have murdered his son along with the said Mohan. The said representation was forwarded to the second respondent. But, till date, the second respondent has not considered the said representation. Hence, the petitioner has come with the present writ petition for the relief stated supra.

3. It is the main contention of the learned counsel appearing for the petitioner that the case was registered only as against the said Mohan and hence, the petitioner has given a representation to the first respondent to include the name of the owners of the firm viz., Gopinath and Amarnath. But, the said request was not considered so far.

4. But, in my considered opinion, such a request cannot be considered. However, during the course of investigation, if the second respondent police comes to the conclusion that the said Gopinath and Amarnath are also involved in the offence of murder, then he is directed to proceed further in accordance with law. Further, the second respondent is also directed to expedite the investigation in Crime No.2434 of 2015 and file a final report as expeditiously as possible. The writ petition is disposed of accordingly. No costs.

sbi

-s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Deputy Commissioner of Police,
Anna Salai,
Triplicane, Chennai-5.

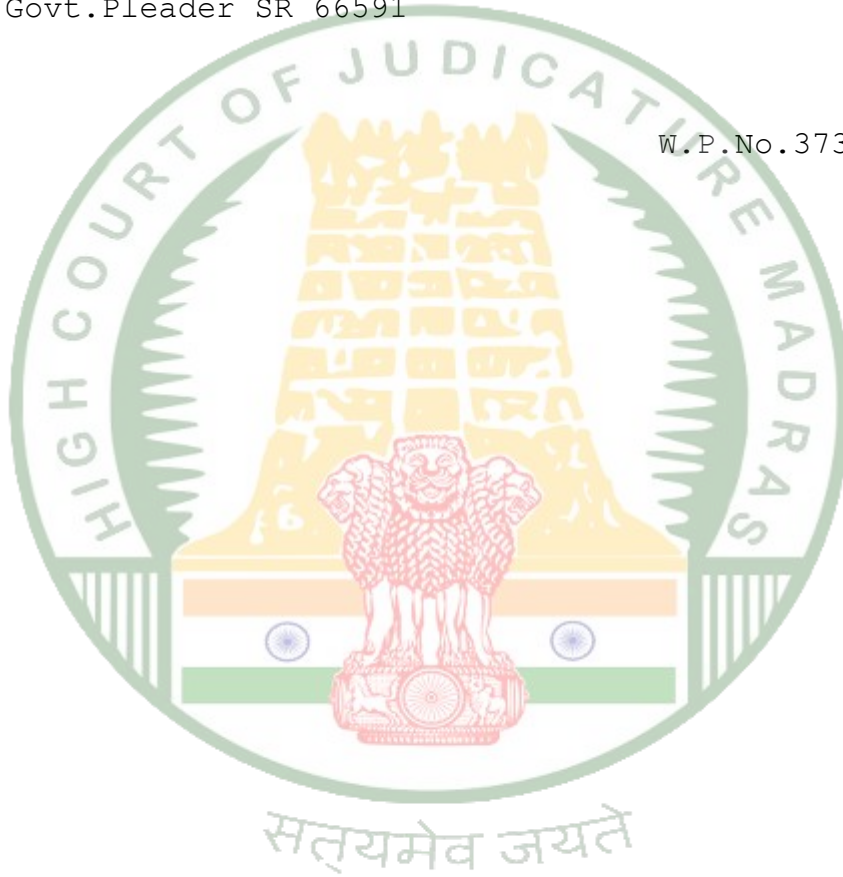
2. The Inspector of Police,
D.2 Triplicane Police Station,
Triplicane, Chennai-5.

+ 1 cc to Mr.S.Parthasarathy, Advocate SR 66438

+ 1 cc to Govt.Pleader SR 66591

sr(co)
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