



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21/4/2015

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

Crl.O.P. (MD)No.4175 of 2015

WEB COPY

K.Kumar

...

Petitioner

Vs

1. The State
rep. By The Superintendent of Police
Dindigul District.
2. The Deputy Superintendent of Police
O/o. The Deputy Superintendent of Police
Saminathapuram
Palani
Dindigul District.
3. The Inspector of Police
Saminathapuram Police Station
Dindigul District.
4. The Inspector of Police
CBCID
Dindigul District.

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Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure to transfer the investigation of Crime No.162 of 2014 on the file of the third respondent to fourth respondent to any other agency.

For Petitioner : Mr.I.Suthakaran

For Respondents : Mr.K.Anbarasan

Govt. Advocate (Crl.side)

O R D E R

This Criminal Original Petition is filed for a direction to transfer the investigation of Crime No.162 of 2014 on the file of the third respondent to fourth respondent to any other agency.

2. The petitioner is the father of the deceased. The deceased is said to have entered into a love marriage with one Raja. She was found dead on 25/8/2014 by hanging. On 26/8/2014, a case has been registered in Crime No.112 of 2014 under Section 174 of the Code of Criminal Procedure.

3. It appears that based upon the Revenue Divisional Officer's report, the case has been subsequently altered on 27/8/2014 into offences under Sections 306 of the Indian Penal Code r/w. 3 (2) (v) of the S.C and S.R Act, 1989.

4. The learned counsel for the petitioner further submitted that it is a case of murder committed by the husband and in-laws of the deceased. No complaint has been given by them. It is the petitioner, who after coming to know about the death gave the complaint. The petitioner was made to sit in the Police Station for the whole day. Just prior to the death of the deceased, the petitioner received a phone call about the demand of dowry. As the final report has not been taken on file and in view of the doubtful circumstances, the investigation will have to be transferred to some other agency.

5. The learned counsel appearing for the petitioner also submitted that there are certain injuries found on the body of the deceased. The mentioning of the record would show that the deceased would not have died

of hanging by her saree.

6. The learned Government Advocate (Criminal Side) submitted that investigation has been done in a proper way. Alteration of charges have been made only by the report of the Revenue Divisional Officer. Post-mortem report also lend credence to the respondents and hence no interference is required.

7. It is seen that the Revenue Divisional Officer report also makes a specific reference about the father-in-law of the deceased. A perusal of the final report would show that he has not been arrayed as the accused. Further, the report of the Revenue Divisional Officer by itself cannot be a sole ground to frame charges to file the final report. There is no indication about the specific stand taken by the petitioner before the respondents about the demand of dowry.

8. Considering the above stated circumstances, this Court is inclined to transfer the investigation to some other agency. Accordingly, **(**)the first respondent is directed to transfer the investigation from the file of the third respondent to any other Deputy Superintendent of Police under his Jurisdiction. The first respondent is also directed to supervise the investigation.** It is made clear that the first respondent will make sure that neither the second respondent nor the third respondent shall have any role in the further investigation. The entire investigation shall be completed within a period of four months from the date of receipt of the copy of this order.

9. With the above said direction, this Criminal Original Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CO)

()Corrected as per order of this Court
dt.11.06.2015 in CrI.OP(MD).No.4175/2015**

/True Copy/

Sub- Assistant Registrar

To

(To be substituted for the order already despatched on 14.03.2015)

1. The Superintendent of Police
Dindigul District.
2. The Deputy Superintendent of Police
O/o. The Deputy Superintendent of Police
Saminathapuram, Palani, Dindigul District.
3. The Inspector of Police
Saminathapuram Police Station, Dindigul District.
4. The Inspector of Police
CBCID ,Dindigul District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/s.I.Suthakaran, Advocate in SR.No.20452

Sm:11.05.2015:2P/7C

AA/07-07-2015/2P-7C/(Corrected Order)

<https://heservices.ecourts.gov.in/Heservices/mvs>

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21/4/2015