



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22/4/2015

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

Crl.O.P. (MD) Nos.6801 and 6857 of 2015

WEB COPY

Suriya Prabha

...

Petitioner in both

Vs

1. The Inspector of Police

Arupukkottai Town Police Station

Arupukkottai

Virudhunagar District.

2. The Superintendent of Police

Collectorate Campus

Virudhunagar District.

... Respondents in both

PRAYER in Crl.O.P.(MD) No.6801 of 2015: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying to transfer the investigation of the said case registered as Crime No.313/2015 currently on the file of the Inspector of Police, Arupukkottai Town Police to the Inspector CB CID Headquarters at Pantheon Road, Egmore, Chennai 600 008, depute the investigating officer and further investigation and file a final report.

PRAYER in Crl.O.P.(MD) No.6857 of 2015: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying to direct the Magistrate to take action under Section 174 (1) of Cr.P.C., and locate/hold inquest on the available skeletal remains at Anbu Nagar cremation site and whereabouts after confirming that it belongs to the deceased by forensic examinations and conduct necessary investigations to determine the cause of death and to permit the defacto complainant to give a statement under Section 164 Cr.P.C to the Magistrate about the findings she has knowledge of including material evidences and to proceed under Section 202 (1) against such persons she suspects to be additional suspects in the case.

For Petitioner : Mr.K.Arvind

For Respondent : Mr.K.Anbararasn

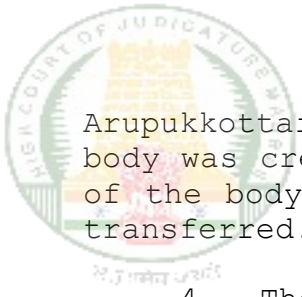
Government Advocate (Crl. Side)

C O M M O N O R D E R

As both the revisions are filed by the same petitioner, they have been taken up for final disposal by a common order.

2. It is the specific case of the petitioner that the accused person being the brother-in-law has paved way for suspicion in burying the dead body of her mother without even informing him. Accordingly, the petitioner gave a complaint. The complaint of the petitioner has not been registered. Thereafter, the petitioner gave a representation to the Superintendent of Police, Virudhunagar. In spite of the directions issued, the case was registered only four days thereafter.

3. The respondent Police Officer viz., Inspector of Police,



Arupukkottai Town Police Station has not visited the place where the body was cremated and conducted the investigation by taking the remanence of the body. Therefore, it is a fit case where investigation has to be transferred.

4. The learned Government Advocate (Criminal Side) submitted that a statement has been obtained from the accused person. The investigation is going on and the Doctor who had examined has stated that the deceased was suffering from AIDS.

5. Considering the facts narrated above, this Court is of the view that investigation has to be transferred, but the allegations made are very serious. Prima facie it appears that the respondent Police has not acted in a swift manner. The case has been registered only in pursuance to the higher officials. Accordingly, a direction is issued to the Superintendent of Police, Virudhunagar District to transfer the investigation to any other investigation Officer under his control. The Superintendent of Police is also directed to monitor the investigation to give suitable direction to conduct further investigation on the body of the deceased.

6. With the above direction, these Criminal Original Petitions are disposed of.

Sd/-

Assistant Registrar(writs)

/True Copy/

Sub- Assistant Registrar

To

1. The Inspector of Police
Arupukkottai Town Police Station
Arupukkottai
Virudhunagar District.
2. The Superintendent of Police
Collectorate Campus
Virudhunagar District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/s.K.Arvind, Advocate in SR.No. 20945,20946

Sm:06.05.2015:2P/5C

mvs

Cr1.O.P. (MD) Nos.6801 and 6857 of 2015
22/4/2015