



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P(MD)No.8174 of 2015

and

M.P(MD)No.1 of 2015

G.Nallamuthu

... Petitioner

Vs.

1.The Director General of Police,
Law and Order, Beach Road,
Chennai.

2.The Secretary to the Government,
Home Department,
Government of Tamilnadu,
Fort St.George, Chennai.

3.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

4.Inspector of Police,
Thiruchuli Station,
Viruthunagar District.

5.Deputy Superintendent of Police,
Aruppukkottai Sub Division,
Virudhungar District.

6.Revenue Divisional Officer,
Aruppukottai,
Viruthunagar District.

7.The Superintendent of Police,
Southern Range,
CBCID Wing, Guindy,
Chennai.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the second respondent to transfer the investigation of the case from the file of the third respondent in Crime No. 41 of 2015 on the file of Thiruchuli Police Station to 7th respondent for conducting proper investigation and after proper investigation alter the FIR under Section 302, 147 and 120B other relevant Sections of IPC in accordance with law.

**O R D E R**

The petitioner is the uncle of the deceased. It is the case of the petitioner that the husband of the deceased would have committed the alleged offence under Section 302 IPC. Therefore, the present petition has been filed as the case was registered in Crime No. 41 of 2015 only under Section 174 Cr.P.C.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

3. A counter affidavit has been filed in a detailed manner stating that number of witnesses have been examined under Section 161(3) Cr.P.C and after examination of witnesses, investigation has been completed altering the case from Section 174 Cr.P.C to Section 306 IPC. In paragraph

Nos. 8 and 9 of the counter affidavit, it has been stated that apart from the statement of the other witnesses, medical report has also been perused.

4. Considering the same, this Court is not inclined to allow this petition, especially when investigation is already over and what is awaited is opinion of the Public Prosecutor. Hence, this petition is dismissed. No costs. Consequently, connected M.P is closed.

Sd/-

Asst. Registrar()

/True copy/

Sub Asst. Registrar

To

1. The Director General of Police, Law and Order, Beach Road, Chennai.
2. The Secretary to the Government, Home Department, Government of Tamilnadu, Fort St. George, Chennai.
3. The Superintendent of Police, Virudhunagar District, Virudhunagar.
4. Inspector of Police, Thiruchuli Station, Virudhunagar District.
5. Deputy Superintendent of Police, Aruppukottai Sub Division, Virudhunagar District.
6. Revenue Divisional Officer, Aruppukottai, Virudhunagar District.
7. The Superintendent of Police, Southern Range, CBCID Wing, Guindy, Chennai.

+1.cc to M/s. S.C. Herold Singh Advocate Sr.34885

+1.cc to M/s. Spl G.P. Advocate Sr.34885

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and M.P. (MD) No. 1 of 2015

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