

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.07.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.OP.No.18733 of 2015

R.Selvi

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Petitioner

Vs

1.State rep.by
The Inspector of Police,
S-10, Pallikaranai Police Station,
Chennai-600 100.

2.The Commissioner of Police,
Egmore,
Chennai-600 008.

...

Respondents

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the 1st respondent to transfer the investigation of the case in Crime No.79 of 2015 to some other investigating agency such as, CBCID or Central Crime Branch, Chennai or any other independent investigating agency for proper and necessary action against the accused persons.

For Petitioner : Mr.S.N.Arunkumar
For Respondents : Mr.C.Emalias, APP

O R D E R

This petition has been filed to direct the 1st respondent to transfer the investigation of the case in Crime No.79 of 2015 to some other investigating agency such as, CBCID or Central Crime Branch, Chennai or any other independent investigating agency for property and necessary action against the accused persons.

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 the complaint given by the petitioner that her son is missing, the 1st respondent Police registered a case in Crime No.79 of 2015 for boy missing and later it was altered to Section 174 Cr.P.C., after the dead body of the boy was fished out from Pallikaranai lake. Inquest was done and the dead body was sent for post-mortem. In the meantime, the petitioner has come forward with this petition alleging

investigation.

4. The 1st respondent police have filed a counter, wherein, in paragraph Nos.5, 6, 7, 8 and 9, it is stated as follows :

"5. I respectfully submit that the petitioner's son went to the lake for fishing and accidentally down in the water. Initially a case was registered in S-10 Pallikaranai P.S. Cr.No.79/2015 u/s.boy missing on 11.01.2015. Later the Section in this case was altered to 174 Cr.P.C. and the same was under investigation.

6. I submit that without any reasonable grounds, the petitioner suspected that Ravi, Baskar and Arun of S.Kolathur has murdered her son Saravanan in retaliation as he pointed them as an accused in the theft. The above three persons has had a strong alibi that they were not present in Pallikaranai on the day of drowning of Saravanan. On that day Arun was in Madurantagam in the company of Anand, Damu, Raja and painter, mason Prabakaran @ Praba and Baskar and Ravi were not in good terms and went to different places for work. So, the involvement of the above said persons has been totally routed out.

7. I further submit that on 10.04.2015, I have examined as many as 12 witnesses by name 1.Prabakaran, 2.Anand, 3.Raja, 4.Chandra, 5.Baskar, 6.Arun, 7.Ravi, 8.Damu, 9.Temple Poosari, 10.Anandan, 11.Ramayi and 12.Jili and all the witnesses statements were recorded.

8. I further submit that on 10.04.2015 I have examined other 3 witnesses by name Balaji, Selvam, Surya, who were the friends of Saravanan and their statements were recorded. The witnesses statements reveals that they went to temple to play and they prepared Magi noodles and then Saravanan alone went to the lake for fishing by taking the fish net. Further Saravanan was absent to the school since 05.01.2015.

9. I submit that so far the investigation reveals that the deceased Saravanan went to the lake for fishing and drowned. Post mortem certificate received and also received chemical analysis report. The doctor who conducted post-mortem opined that "the deceased would appeared to have died of asphyxia due to drowning". Further the persons on whom the petitioner raises suspicion were having strong alibi regarding their whereabouts on the day of occurrence and hence there is no need to transfer this case to any other agency as prayed for by the petitioner."

5. This Court perused the Case Diary and found that there is no reason to suspect the investigation process. Hence, this is not a fit case to transfer the investigation to any other agency. However, the 1st respondent police is directed to complete the investigation within three months from the date of receipt of a copy of this order and on completion of investigation, furnish a copy of the report to the petitioner, so that she can workout her remedies in the manner known to law.

With the above direction, this petition is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

gya

To

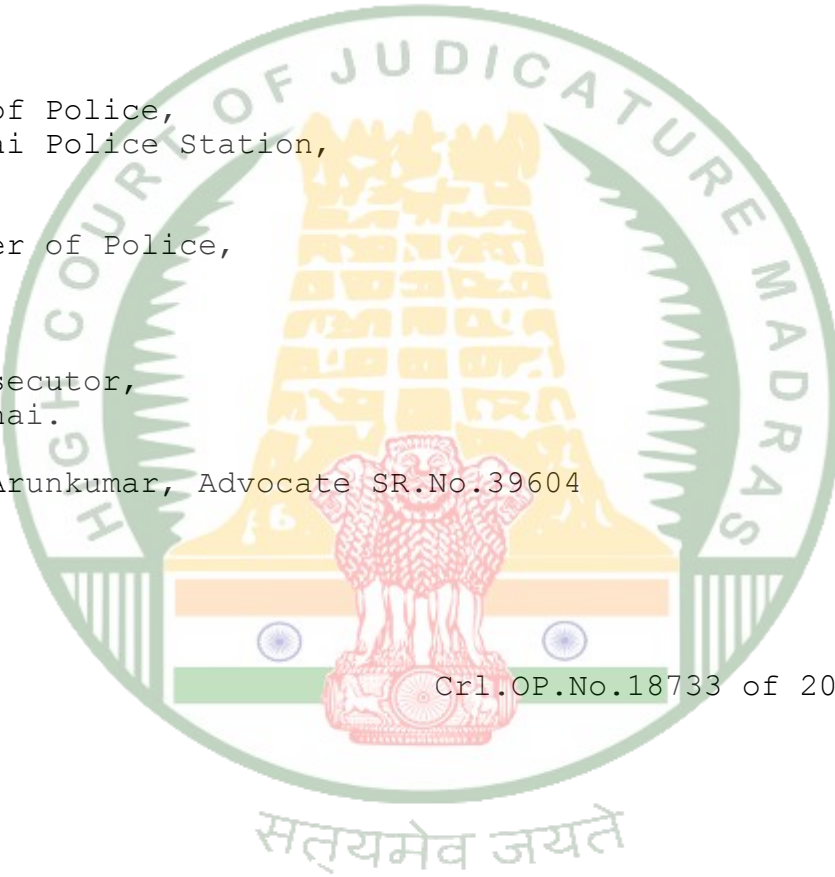
1.The Inspector of Police,
S-10, Pallikaranai Police Station,
Chennai-600 100.

2.The Commissioner of Police,
Egmore,
Chennai-600 008.

3.The Public Prosecutor,
High Court, Chennai.

+1 CC to Mr.S.N.Arunkumar, Advocate SR.No.39604

CO-RK
ths : 02.08.2016



Cr1.OP.No.18733 of 2015

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