

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2016

CORAM:

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P. No.27978 of 2011

R.Athiyaman

.. Petitioner

vs.

1.The Superintendent of Police
Thiruvannamalai District
Thiruvannamalai.

2.State rep by
The Inspector of Police
Vandavasi South,Tiruvannamalai District. .. Respondents

Criminal Original Petition filed under Section 482,
Cr.P.C. to direct the 1st respondent to transfer the
investigation in Cr.No.826 of 2010 pending on the file of the
2nd respondent to the file of any other investigating
agencies.

For petitioner Mr.K.M.Balaji
For Respondents Mr. C. Emalias
Addl. Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct
the 1st respondent to transfer the investigation in Cr.No.826
of 2010 pending on the file of the 2nd respondent to the file
of any other investigating agencies.

2. Today, Mr.C.Saravanan, HC 575, Vandavasi South Police
Station, Tiruvannamalai, is present before this Court and he
has submitted a Status Report, signed by the Inspector of
Police, wherein, it is stated as follows:

"4.It is submitted that based on the above
complaint, the then investigation officer,
Tr.Narasimhan, went to the scene of
occurrence, i.e., Kingston Matriculation
School, Vandavasi, prepared rough sketch and
observation mahazar in the presence of the
witnesses.

He also enquired the following witnesses and recorded their statements:

- 1.Tmt.Saraswathy, complainant herein.
- 2.Tr.Athiyaman, the petitioner and father of the deceased.
- 3.Ms.Daseem, friend/classmate of the deceased.
- 4.Ms.Keerthika, friend/classmate of the deceased.
- 5.Tr.Sathishkumar, witness &
- 6.Tr.Punniyakotti, witness.

All the above witnesses have stated about the facts of the case and also corroborated the same version as stated by the defacto complainant in his complaint.

5.It is submitted that during the course of the investigation, i.e., on 5.8.2010, inquest was conducted on the body of the deceased in the presence of the panchayatars and other witnesses.

6.It is submitted that on 6.8.2010, the Postmortem was conducted on the body of the deceased-Sivapriya by Dr.R.Thunder, attached to Govt.General Hospital, Chennai. The above said Doctor was also enquired and obtained Postmortem Certificate from him. He also offered his opinion which reads as follows:

"Death Due to effects of head injury sustained."

7. It is submitted that now the investigation is in a completion stage and the second respondent is making steps to refer the case as "Further Action Dropped" on the ground that the allegations made by the petitioner are not made out and also the occurrence i.e., fall down by the deceased-Sivapriya in the rest room of the School is a sudden accident.

8. It is submitted that the investigation has been conducted by the second respondent in a proper, fair and impartial manner and also in accordance with law. The second respondent police has registered the case, investigated and now the same is in a completion stage and making steps to refer the case as "Further Action Dropped." since the allegations of the petitioner are not made out. Hence, there is no necessity at this stage to transfer the case from second respondent to any other investigating agencies, as prayed by the petitioner in his petition."

This Court does not find any infirmity in the investigation conducted by the police warranting transfer of investigation.

In the result, this petition is dismissed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

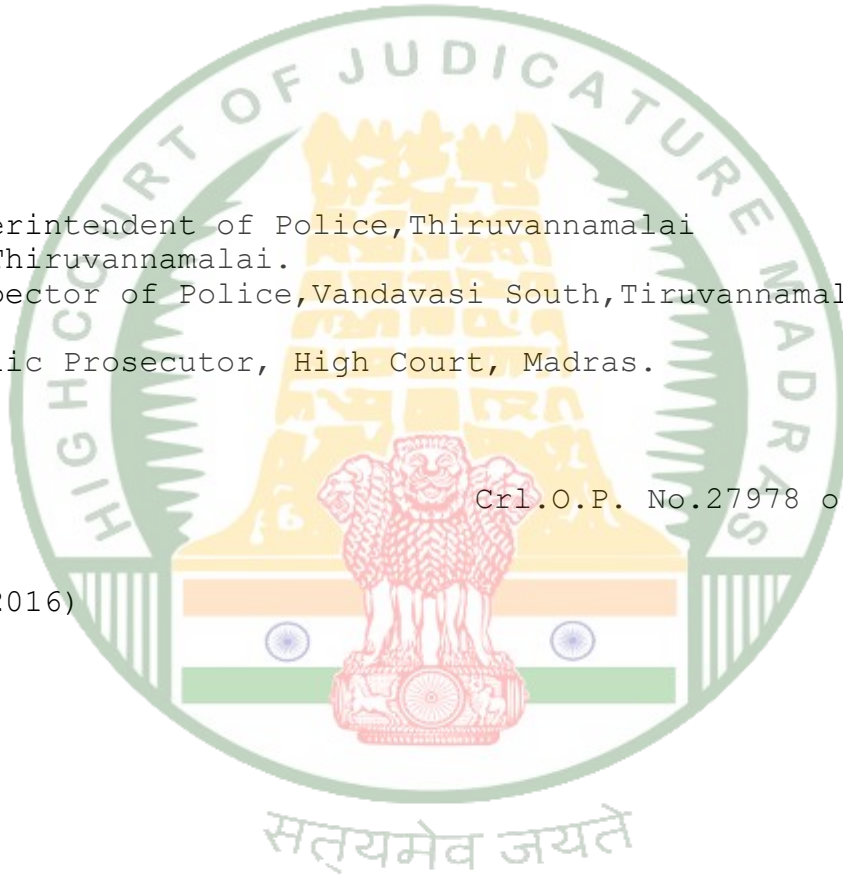
gms

To

- 1.The Superintendent of Police,Thiruvannamalai District,Thiruvannamalai.
- 2.The Inspector of Police,Vandavasi South,Tiruvannamalai District.
- 3.The Public Prosecutor, High Court, Madras.

Crl.O.P. No.27978 of 2011

AD(CO)
MA(29/12/2016)



WEB COPY