

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.09.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.21440 of 2016
and MP.No.9928 of 2016

MankkaniPetitioner/Defacto
Complainant

vs.

- 1.The State rep by
The Director General of Police,
Radhakrishnan Salai,
Chennai.
- 2.The Superintendent of Police,
Nagapattinam DIstrict,
Nagapattinam.
- 3.The Inspector of Police,
Thiruvankadu Police Station,
Nagapattinam District. ...Respondents/Complainant

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the 1st respondent to transfer the investigation which is pending on the file of the 3rd respondent police in Crime No:37 of 2015 to Crime Branch Crime Investigation Department (CBCID) for investigation.

For Petitioner : Mr.R.Thirumoorthy

For Respondents : Mr.C.Emalias, APP

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O R D E R

This petition has been filed to direct the 1st respondent to transfer the investigation which is pending on the file of the 3rd respondent police in Crime No:37 of 2015 to Crime Branch Crime Investigation Department (CBCID) for investigation.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. On the complaint lodged by the petitioner, the respondent police registered a case in Crime No:37 of 2015 u/s.174 Cr.P.C. and took up the investigation. It is the case of the petitioner that, she was informed by one Shankar and Kumar that, her husband was found hanging in a hut in RKB Chambers. Coming to know of it, she went to that place and found her husband's body hanging. On her complaint, the respondent police registered a case in Crime No:37 of 2015 u/s.174 Cr.P.C. as stated above. Since the petitioner was not satisfied with the progress of the investigation, she is before this Court for a direction to transfer the investigation in Crime No:37 of 2015.

4. Mr.Thirumoorthy, learned counsel appearing for the petitioner submitted that, even in the FIR given by the petitioner, she has stated that, her deceased husband did not have any enemies and that there was a quarrel between her husband and the owners of RKB chambers and that it must be the handi work of the owners.

5. The learned Additional Public Prosecutor submitted that investigation in Crime No:37 of 2015 was completed and a closure report was filed before the Thasildhar, Sirkali on 08.03.2016 itself.

6. Mr.Thirumoorthy, learned counsel appearing for the petitioner submitted that, the petitioner was not informed of this and was kept in the dark.

7. This Court directs the Thasildhar, Sirkali to take photocopies of the records and transmit the original records in Thiruvenkadu police station Crime No:37 of 2015 to the Judicial Magistrate, Sirkali within two weeks from the date of receipt of a copy of this order. The respondent police shall also furnish a copy of the closure report, postmortem certificate and statements recorded during the investigation free of costs to the petitioner within two weeks from the date of receipt of a copy of this order. Thereafter, liberty is given to the petitioner to file a protest application before the Judicial Magistrate, Sirkali and on such application being filed, learned Magistrate shall take action in accordance with the law laid down in Vinay Tyagi Vs.Irshad Ali @ Deepak and others [(2013) 5 SCC 762].

With the above direction this petition is closed.
Consequently connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

dpq/gms

To

- 1.The Director General of Police,
Radhakrishnan Salai,
Chennai.
- 2.The Superintendent of Police,
Nagapattinam District,
Nagapattinam.
- 3.The Inspector of Police,
Thiruvankadu Police Station,
Nagapattinam District.
4. The Thasildhar
Sirkali.
5. The Judicial Magistrate
Sirkali.
6. The Chief Judicial Magistrate,
Nagapattinam.
7. The Public Prosecutor
High Court, Madras.

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rv co
kra 19.10.2016