

THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 18..10..2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Criminal Original Petition No.22756 of 2016

W.Jasmin Racheal @ Malliga

... Petitioner

-Versus-

State Rep. by

1.Superintendent of Police,
Vellore District.

2.The Inspector of Police,
Arakonam Taluk Police Station,
Vellore District.

... Respondents

Petition filed under Section 482 of Cr.P.C. praying to direct the respondent police to subject Queenmary to undergo DNA Test through proper authorities to prove the paternity of Queenmary in the case in Crime No.76 of 2013 pending on the file of the 2nd respondent police.

For Petitioner : Mr.D.Nandagopal

For Respondent(s) : Mr.C.Emalias, APP

ORDER

On the complaint lodged by the petitioner, District Crime Branch, Vellore, registered a case in Crime No.76 of 2013 on 28.12.2013 under Sections 294(b), 506(i), 405 r/w 406 and 420 of IPC against one W.Jasmin Racheal @ Malliga. It is alleged by the de facto complainant that her husband Wilson died on 08.02.2010 and thereafter, the accused are masquerading as the siblings of her deceased husband and are dealing with his properties. Therefore, she has come up with the present petition for a direction to the respondent police to subject Queenmary (A2) for DNA profiling.

2. The learned Additional Public Prosecutor submitted that the FIR has been registered by the District Crime Branch, but whereas, the petitioner has impleaded only the Superintendent of Police, Vellore and the Inspector of Police, Arakonam Taluk Police Station as respondents and not the District Crime Branch.

3. Be that as it may, under Section 482 of Cr.P.C. this court does not have power to direct the police to investigate the case in a particular manner. Hence, direction as prayed for cannot be granted.

4. At this juncture, the learned counsel for the petitioner submitted that District Crime Branch have completed the investigation in Crime No.76 of 2013 and have filed a closure report before the Judicial Magistrate, Arakkonam and on the protest application filed by the de facto complainant, further investigation appears to have been ordered by the learned Magistrate.

5. Under such circumstances, the learned Judicial Magistrate is directed to look into these aspects and take action in accordance with law.

6. In the result, this criminal original petition is dismissed with the above observations.

Sd/-
Asst. Registrar

/ true copy /

Sub Assistant Registrar

kmk

To

- 1.The Judicial Magistrate, Arakkonam, Vellore District.
- 2.The Inspector of Police, District Crime Branch, Vellore.
- 3.The Superintendent of Police, Vellore District.
- 4.The Inspector of Police, Arakonam Taluk Police Station, Vellore District.
- 5.The Public Prosecutor, High Court, Madras.

1 cc to Mr.D.Nandagopal, Advocate SR.No 58877

GMI (CO)
CS 12/11/2016

Crl.O.P.No.22756 of 2016