

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Cr1.O.P.No.3392 of 2016

M.Ashokan
S/o.Mannakatti

... Petitioner

Vs.

1. The Director General of Police
Tamil Nadu Police Head Quarters,
Kamarajar Salai,
Chennai - 600 004.
2. The Superintendent of Police,
Villupuram District,
Villupuram.
3. The Additional Superintendent of Police,
C.B.C.I.D. Villupuram,
Villupuram District.
4. The Inspector of Police,
Sankarapuram Police Station,
Villupuram District.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondents 1 and 2 to transfer the investigation in Crime No.380 of 2014 on the file of the fourth respondent to the file of third respondent.

For Petitioner : Mr.P.Vajravelu

For Respondent : Mr.C.Emalias,
Additional Public Prosecutor

O R D E R

The petitioner has come forward with this petition seeking for a direction directing the respondents 1 and 2 to transfer the investigation in Crime No.380 of 2014 on the file of the fourth respondent to the file of third respondent.

2. The petitioner herein is the de facto complainant in Crime No.380 of 2014 and is the father of the deceased Kumaresan. The petitioner has preferred a complaint on 03.12.2014 at 09.00 p.m. informing that his son Kumaresan, aged 19 years, was missing from 02.12.2014 at about 06.00 a.m. onwards. On the basis of the petitioner's complaint, a case was registered for 'boy missing'. Upon information that a body was floating in a well and upon identification of the same by the petitioner, the case has been altered to offences under sections 174 Cr.P.C r/w 176 , 201 IPC on 16.12.2014. The petitioner suspected that his son has been done to death by somebody and the fourth respondent has not properly conducted investigation. Hence, the petitioner has filed the present petition seeking transfer of investigation in Crime No.380 of 2014 on the file of the fourth respondent to the file of third respondent.

3. The learned Additional Public Prosecutor filed a detailed status report and also advanced his arguments.

4. In the status report, it is stated that the deceased Kumaresan was a mentally challenged person and was missing from 02.12.2014. Investigation in the case has been commenced as soon as the case has been registered for 'boy missing' and upon information that the body of the deceased was floating in a well belongs to one Kannan, the case has been altered to Section 174 Cr.P.C. and following the procedure, the body was recovered and after inquest, postmortem was conducted. The postmortem report revealed that death was occasioned due to drowning. During the course of investigation, the accused have stated that the deceased, after taking food with labourers, had gone to pick up lemon from one Thangavel's land and at the time, he fell down into the well. To avoid communal clash between parties, the body was thrown into the well of one Selvakumar and on seeing the body, the said Selvakumar thrown the body in an unused well of one Kannan. On completion of investigation, a charge sheet has been filed informing commission of offences u/s.176 and 201 IPC against six persons and the same was taken on file in S.T.C.No.201 of 2015 on the file learned Judicial Magistrate, Sankarapuram. Now, the case is pending trial and the next date of hearing is 29.02.2016.

5. On a perusal of the status report, this Court is of the view that the investigation in the case has been conducted in a proper manner and upon completion of the same, a charge sheet has also been filed. In the aforesaid circumstances, the question of transferring investigation in Crime No.380 of 2014 on the file of the fourth respondent does not arise.

Accordingly, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

gm

To

1. The Director General of Police
Tamil Nadu Police Head Quarters,
Kamarajar Salai,
Chennai - 600 004.
2. The Superintendent of Police,
Villupuram District,
Villupuram.
3. The Additional Superintendent of Police,
C.B.C.I.D. Villupuram,
Villupuram District.
4. The Inspector of Police,
Sankarapuram Police Station,
Villupuram District.
5. The Public Prosecutor,
High Court,
Madras.

+1cc to Mr.P.Vajravelu, Advocate, S.R.No.15265

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CA(CO)
CA(17/03/2016)

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