

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P.No.4065 of 2016

Karthikeyan

.. Petitioner

vs.

1.The Commissioner of Police
Chennai City
Vepery
Chennai 600 007.

2.The Inspector of Police
H-8, Thiruvotiyur Police Station
Chennai 600 019.
(Crime No.831 of 2015)

.. Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the first respondent to transfer the investigation in Cr.No.831 of 2015 on the file of the Inspector of Police, H8 Thiruvottiyur Police Station to any other Inspector of Police, Crime Branch CID in Chennai to secure the ends of justice.

For Petitioner : Mr.R.Sankarasubbu

For Respondents: Mr.C.Emalias,
Addl.PublicProsecutor

O R D E R

This petition has been filed to direct the first respondent to transfer the investigation in Cr.No.831 of 2015 on the file of the Inspector of Police, H8 Thiruvottiyur Police Station to any other Inspector of Police, Crime Branch CID in Chennai to secure the ends of justice.

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

3. On the complaint lodged by one Karthikeyan, the petitioner herein, the respondent police registered a case in Cr.No.831/2015 for offences u/s 363, 419 and 420 IPC. The

crux of the allegation in the FIR is that Karthikeyan's wife complained of labour pain and she was admitted in Kurinchi Hospital, where she delivered a child on 08.05.2015. Jayanthi, the staff nurse working in the maternity ward, appears to have told the petitioner that his wife has delivered a stillborn female child and therefore, the family was in great distress. While so, the petitioner was informed by Dr.Chellakodi that the petitioner's wife had delivered a male child and some foul play had taken place. In this connection, it came to light that Jayanthi - the staff nurse had taken away the male child born to the petitioner's wife and had made it appear that she had delivered a stillborn baby. The police arrested Jayanthi and the child was also secured and handed over to the petitioner.

4. Mr.S.Sankarasubbu, learned counsel for the petitioner submitted that such a modus operandi is being adopted throughout the State and it requires a deeper probe. This Court appreciates his submission, but in an application u/s 482 Cr.P.C., the scope of the investigation cannot be enlarged, as this is not a public interest litigation. Under such circumstances, this Court does not find any serious infirmity in the investigation done by the respondent police. The respondent police is directed to proceed with the investigation expeditiously.

Accordingly, this Criminal Original Petition is disposed of.
gms

Sd/-
Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

To

1.The Commissioner of Police
Chennai City
Vepery, Chennai 600 007.

2.The Inspector of Police
H-8, Thiruvotiyur Police Station
Chennai 600 019.

3.The Public Prosecutor, High Court, Madras.

+ 1 cc to Mr.R.Sankarasubbu, Advocate Sr 29717