

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

W.P.No.38386 of 2016

and WMP No.32876 of 2016

P.Iyyanar

Petitioner

Vs

1.The State of Tamil Nadu
rep by its Secretary to Government
Home Department
Secretariat, Fort St.George
Chennai 600 009.

2.The District Collector
Kancheepuram District
Kancheepuram.

3.The Superintendent of Police
Crime Branch CID
Kancheepuram District
Kancheepuram.

4.The Superintendent of Police
Crime Branch CID
Chennai 600 008.

5.The Superintendent of Police
Salem District
Salem.

6.The Revenue Divisional Officer
Sriperumpudur
Kancheepuram District.

7.The Sub Collector
Kancheepuram District
Kancheepuram.

8.The Tahsildar
Sriperumpudur
Kancheepuram District.

9.The Sub Inspector of Police
Sriperumpudur Police Station
Sriperumpudur
Kancheepuram District.

10.The Managing Director
M/s Sona Koyo Steering System Ltd.,
Post Bag No.14
Chennai-Bangalore Highway NH-4
Sriperumpudur 602 105
Kancheepuram District.

Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue an order of direction with nature of writ of mandamus to direct the 1st to 5th respondents herein to change the investigation of the death case of petitioner's son Muthukumar in Crime No.498 of 2016 on the file of the 9th respondent by other agency especially by Crime Branch CID.

For petitioner : Mr.J.Selvarajan
For R3, 4,5, & 9 : Mr.C.Emalias
Addl.Public Prosecutor

O R D E R

This petition has been filed to direct the respondents 1 to 5 herein to change the investigation of the death case of petitioner's son Muthukumar in Crime No.498 of 2016 on the file of the 9th respondent to any other agency, especially by Crime Branch CID.

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

3. Muthukumar aged about 26 years, a Diploma holder, is the son of Iyyanar, the petitioner herein. Iyyanar and his family are residents of Salem District. Muthukumar and his friends had take a house on rent near Sriperumbudur and he was working in M/s Sona Koyo Steering System Ltd.

4. On 22.06.2016, the police received information that, a person is lying in open place near Vivekananda School and when they went to the place, they found that Muthukumar had died. They despatched the body to the Government Hospital, Sriperumbudur and intimated Iyyanar. On the complaint lodged by Iyyanar, the respondent police registered a case in Cr.No.498 of 2016 on 22.06.2016 u/s 174 Cr.P.C. and investigation is in progress. Since Iyyanar is not satisfied with the investigation, he has filed this petition for transfer of investigation.

5. Today, Mr.Kannaiyan, Inspector of Police, Sriperumbudur Police Station, Kancheepuram is present and he submitted the case diary.

6. Learned counsel for the petitioner submitted that the police have not conducted investigation properly and that Muthukumar has been done to death by his employer. He also submitted that the suicide note that is said to have been left by Muthukumar has not been shown to Iyyanar.

7. On a perusal of the case diary, it is seen that post-mortem has been done on the body of Muthukumar and no injuries have been noted. The viscera from the stomach and intestine has been collected and sent to the Forensic Sciences Department for analysis and the opinion is awaited. Only after the opinion is received, can the post-mortem Doctor give an opinion as to the cause of death. It is also seen that the suicide note has been recovered by the police and on a reading of the suicide note, it appears that Muthukumar was frustrated with his colleagues in the Office. Therefore, the police have altered the FIR into one under Section 306 IPC. The suicide note has also been sent to the Judicial Magistrate, Sriperumbudur. Only if the police get the admitted handwritings of Muthukumar, can they send the suicide note along with admitted handwritings to a handwriting expert in the Forensic Sciences Department for comparison and opinion.

8. Learned Additional Public Prosecutor submitted that the petitioner is not co-operating with the enquiry, which is strongly refuted by the learned counsel for Iyyanar.

9. On a reading of the case diary, this Court does not find any good reasons for transfer of investigation at this juncture.

10. The Investigating Officer is directed to issue notice u/s 160 and 91 Cr.P.C. to Iyyanar for production of admitted handwritings and signature of Muthukumar relating to the period, for sending the same along with suicide notice to the Handwriting Expert, Tamil Nadu Forensic Sciences Department, for comparison.

With the above directions, this petition is closed. No costs. Consequently, connected miscellaneous petition is closed. The respondent police is directed to keep Iyyanar informed about the progress of investigation from time to time, so that he is satisfied that there is no foul play in the death of his son.

Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

gms

To

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rep by its Secretary to Government
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Sriperumpudur Police Station
Sriperumpudur, Kancheepuram District.

1 cc to Mr.J. Selvarajan, Advocate, Sr. 71970

W.P No.38386 of 2016

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