

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:02.06.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.9281 of 2016

M.I.Sujauddin

..Petitioner

Vs.

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

..Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the 1st and 2nd respondents to transfer the investigation to 3rd respondent namely the Additional Superintendent of Police, C.B.C.I.D., Kancheepuram in Crime No. 11 of 2016, pending on the file of the 4th respondent.

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For Petitioner : Mr. P.Vajravelu

For Respondents : Mr.C.Emalias  
Additional Public Prosecutor

ORDER

This petition has been filed seeking a direction to direct the 1st and 2nd respondents to transfer the investigation to 3rd respondent, viz., the Additional Superintendent of Police, C.B.C.I.D., Kancheepuram, in Crime No. 11 of 2016, pending on the file of the 4th respondent.

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

3. It is seen that one Sadam Hussain committed suicide, pursuant to which, a case in Crime No. 11 of 2016 has been registered by the fourth respondent police on 15.01.2016 under Section 174 Cr.P.C. During the course of investigation, the case has been altered to one under Section 306 IPC against one Justin Benkarraj and the investigation is in progress.

4. Now, it is the grievance of the petitioner, who is the father of deceased Sadam Hussain, that the offence under Section 302 IPC should have to be included.

5. In the considered opinion of this court, a direction to the police officer to include Section 302 IPC cannot be issued under Section 482 Cr.P.C. However, this Court directs the Deputy Superintendent of Police, Kancheepuram, to monitor the investigation in Cr.No. 11 of 2016 pending on the file of the Inspector of Police, E-1, Mamallapuram Police Station, Kancheepuram District/ the fourth respondent herein and ensure that the investigation is conducted in a fair and proper manner.

6. With the above direction, this Criminal Original Petition is closed.  
sms

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Director General of Police  
Tamil Nadu Police Head Quarters  
Kamarajar Salai  
Chennai - 600 004.
2. The Superintendent of Police  
Kancheepuram District  
Kancheepuram.
3. The Additional Superintendent of Police  
C.B.C.I.D Kancheepuram  
Kancheepuram District.

4. The Inspector of Police  
E-1, Mamallapuram Police Station  
Kancheepuram District.
5. The Public Prosecutor,  
High Court, Madras.
6. The Deputy Superintendent of Police,  
Kancheepuram.

KR/30/6/16

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