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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Cr1.O.P(MD)No.3760 of 2014

P.Kalarani

: Petitioner

Vs.

1.The Superintendent of Police,
Thoothukudi District,
Thoothukudi.

2.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

3.The Superintendent of Police,
CBCID
No.3, SIDCO Electronic Complex,
I Floor, Guindy, Chennai - 32.

4.The Inspector of Police,
Kayathar Police Station,
Thoothukudi District
In Crime No.344/2013

: Respondents

PRAYER: Criminal Original Petition is filed under Section 482 Cr.P.C., praying to direct the 1st respondent to entrust the investigation into the case registered in Crime No.344 of 2013 of Kayathar Police Station to an independent investigation agency like CBCID, the 3rd respondent for an impartial investigation.

For Petitioner : Mr.A.John Vincent

For Respondents : Mr.A.P.Balasubramani
Government Advocate (Cr1.Side)

ORDER

The petitioner has come forward with this petition, praying to direct the 1st respondent to entrust the investigation into the case registered in Crime No.344 of 2013 of Kayathar Police Station to an independent investigation agency like CBCID, the 3rd respondent for an impartial investigation.

2. The counsel appearing for the petitioner would submit that on 12.10.2013, the petitioner has got an information that there was an unidentified body of a female found in a bag within Kayathar Police jurisdiction limit. Therefore, the petitioner and his father went and identified the corpse. The Inspector of Police, Kayathar Police, Station, Thoothukudi District, the 4th respondent herein, has registered a case in Crime No.344/2013, for an offence under Section 302 of IPC, on the basis of the complaint given by the Village Administrative Officer. He would further submit that it is a murder for gain. Since no



progress has been made in the investigation, the petitioner, who is the mother of the deceased, has given a representation to the District Collector, Thoothukudi District and the Superintendent of Police, Thoothukudi District, but no response on the same. Therefore, the petitioner has come forward with this petition, for the afore said relief.

3. The Government Advocate (crl.side) appearing for the prosecution would submit that the investigation is going on in right direction and therefore, prayed for dismissal of the Criminal Original petition.

4. I have heard the counsel appearing on either side and perused the materials available on record.

5. It is very unfortunate that this Court has granted several adjournments to ascertain the status of the investigation from the authorities concerned. Today, the respondent has filed a status report and a bare reading of the status report would reveal that there is no progress in the investigation. Therefore, in the interest of justice, the investigation could be transferred.

6. In the result, the Criminal Original Petition is allowed and the case in Crime No.344 of 2013 on the file of Kayathar Police Station, Thoothukudi District is transferred to the file of the Superintendent of Police, Thoothukudi District. The Superintendent of Police is directed to conduct a fair and free investigation and file the final report, as expediency as possible.

Sd/
Assistant Registrar(AS)

/TRUE COPY/

Sub Assistant Registrar(C.S)
Madurai Bench of Madras High Court,
Madurai.

To

- 1.The Superintendent of Police,Thoothukudi District,Thoothukudi.
 - 2.The Superintendent of Police,Tirunelveli District,Tirunelveli.
 - 3.The Superintendent of Police,CBCID
No.3, SIDCO Electronic Complex,I Floor, Guindy, Chennai - 32.
 - 4.The Inspector of Police,Kayathar Police Station, Thoothukudi District
 - 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1cc to M/S.A.John Vincent, Advocate in SR.No.2199

ORDER MADE IN
Crl.O.P(MD)No.3760 of 2014
11.01.2016

MPK
PA/NGM-SS/12.02.2016/2P/7C