



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 26.07.2016
CORAM:

THE HONOURABLE DR. JUSTICE S.VIMALA

Crl.O.P.(MD).No.12730 of 2016
and
Crl.M.P.(MD).No.5983 of 2016

T.R.Ganesh

.. Petitioner

Vs.

1.The Commissioner of Police,
Madurai City, Madurai.
2.The Inspector of Police,
Thirunagar Police Station,
Madurai.

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the second respondent to reinvestigate the case in Crime No.679 of 2012 on his file.

For Petitioner	: Mr.T.Lenin Kumar
For respondents	: Mr.P.Kandasamy, Government Advocate (Criminal side)
For intervener	: Mr.K.R.Singaravadivel

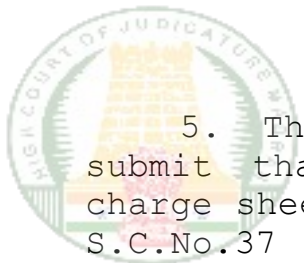
ORDER

It is an application seeking a direction to the second respondent to reinvestigate the case in Crime No.679 of 2012.

2.Heard the learned counsel for the petitioner, the learned Government Advocate (Crl. Side) for the respondents and the learned counsel for the intervener / A1. By consent, the Criminal Original Petition itself is taken up for final disposal.

3. It is a case of the petitioner that the deceased left a suicidal note and that was not considered by the respondents and no investigation has been done in respect of the same.

4.The learned counsel for the petitioner would submit that the deceased died on 21.11.2012; the suicidal note came to the knowledge of the petitioner on 30.11.2012; on the very same day, this fact has been intimated to the investigating officer; in support of the same, the copy of the petition and the acknowledgement issued by the second respondent herein dated 30.11.2012 have been produced; despite the matter brought to the knowledge of the second respondent, the second respondent did not evince any interest in causing investigation into the alleged services and therefore, the respondents may be directed to make further investigation in this matter.



5. The learned Government Advocate (Criminal side) would submit that in this case, after completion of investigation, charge sheet has been filed and the same has been taken on file in S.C.No.37 of 2015 by the learned I-Additional District and Sessions Judge, Madurai.

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6. The learned counsel for the intervener/ A1 in the charge sheet would submit that it is an attempt to include the other persons in the same family and therefore, this petition should not be entertained.

7. The suicidal note has been brought to the knowledge of the investigating officer at the earliest point of time, but he has failed to investigate the same. Any how, it is a matter for investigation. It is for the investigating officer to find out whether the suicidal note is a true one or not, whether it is in the handwriting of the deceased or not, etc. If the circumstances warrant, the investigating officer can file additional report. At the stage of investigation, the first accused has no right to prevent the investigating officer from investigating the matter. Therefore, the objection raised by the intervener is rejected.

8. The objections regarding the admissibility, relevancy and merits of the suicidal note are the subject matters to be agitated before the trial Court by the intervener. Therefore, the second respondent is directed to conduct further investigation with regard to the suicidal note and complete the same within a period of one month from the date of receipt of a copy of this order and to file additional report if warranted.

9. This Criminal Original Petition is accordingly disposed of. Consequently, connected miscellaneous petition is closed.

Sd/

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar.

To

1. The Commissioner of Police, Madurai City, Madurai.
2. The Inspector of Police, Thirunagar Police Station, Madurai.
3. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

+1CC to M/S.T.Lenin Kumar, Advocate, SR.No. 39645

+1CC to M/S.K.R.Singaravadivel, Advocate, SR.No. 39653

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