



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2016

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

Cr1.O.P.(MD) No.1988 of 2016

and

Cr1.M.P.(MD) No.1016 of 2016

S.Boopathy

... Petitioner

vs.

1.The Commissioner of Police
Madurai City

2.The Inspector of Police
Thilagar Thidal Nagar Police Station
Madurai-1

... Respondents

PRAYER: This petition is filed under Section 482 Cr.P.C., to direct the second respondent to register F.I.R., on the basis of petitioner complaint, dated 28.01.2016, and initiated necessary action in accordance with law.

For Petitioner : Mr.S.M.A.Jinnah
for Mr.R.Mohamed Rajapdheen

For Respondents : Mr.A.P.Balasubramani, G.A.(Cr1.Side)

O R D E R

The petitioner has filed this criminal original petition, under Section 482 of the Code of Criminal Procedure, seeking direction upon the second respondent to register a case, based on his complaint, dated 28.01.2016.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondents.

3. The second respondent Police has filed a status report, dated 22.02.2016, wherein in Para Nos.4 and 14, it is stated as

<https://hcservices.gov.in/hcservices/>

*""4.It is humbly submitted that on 29.01.2016
the investigation officer visited the SOC at 17.30*



hrs, since nobody in the house bearing Door No.14, Gopala Kothan Street, West Tower Street, Madurai, he enquired nearby residents and shop owners about the occurrence. One Mrs.Rajalakshmi, w/o.Arumugam residing in Door No.13, Gopala Kothan Street, West Tower Street, Madurai, who stated she is neighbouring of deceased Swaminathan. On 27.01.2016 at about 3.30 p.m., she heard the noise of cry from deceased's house, immediately she, Mohammed Ibrahim and Visukumar rushed to the spot where there the deceased Samy Iyya laid on a cot in unconscious since I am working in Dental Hospital, I checked his pulse and then I informed somebody in the gathering to bring doctor to check up Samy Iyya. Visukumar brought staffs from Vinayaga Hospital. The staffs of Vinayaka Hospital checked the pulse of deceased and confirmed Swamy Iyya's death. At that time 108 ambulance came and staff nurse from the ambulance also check up the pulse of deceased and she also declared Swamy Iyya's death. In such circumstances, relatives of Samy Iyya came to his house, after discussion with relatives and family members Samy Iyya's Son Sundar made arrangements to take dead body of Samy Iyya to their native village, Eriyoor Village in Sivagangai District and as such through ambulance all went to Eriyoor Village. It is humbly submitted that the witnesses Mohamed Ibrahim and Visukumar also categorically gave statement about the death of Samy Iyya like Mrs.Rajalakshmi.

.....

14. It is submitted that the enquiry reveals there is no truth in the complaint of de facto complainant. As such investigation officer closed the petition at petition enquiry stage and filed the report with relevant documents."

4. On the investigation conducted by the respondent Police, it is clear that the petitioner's father had suffered serious debility, when he alone was at home. The neighbours had gone to his house and called the ambulance. The ambulance staff checked the petitioner's father and declared him dead. Therefore, this Court finds no foul play in the death of the petitioner's father.

5. On the contrary, the petitioner, who had filed several cases against his father, is shedding crocodile tears for the death of his father. Under such circumstances, no direction as prayed for by the petitioner can be given.



6. Accordingly, this criminal original petition fails and it is dismissed. Consequently, connected criminal miscellaneous petition is closed.

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Sd/-
Assistant Registrar (C.O Dept)

Sub-Assistant Registrar

To

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

Krk
RL/4C/JGB/DP/23/3/2016

Crl.O.P.(MD) No.1988 of 2016

24.02.2016