



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 25.02.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.2066 of 2016

WEB COPY

Kalaiselvan

... Petitioner

Vs.

1.The Inspector of Police,
Sanarpatti Police Station,
Dindigul District
(Crime No.344 of 2012)

2.The Executive Magistrate,
(Tahsildar), Dindigul,
Dindigul District.

... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the learned Judicial Magistrate No.III, Dindigul to dispose the application in Crl.M.P.No.1191 of 2015 in Crime No.344 of 2012 and also direct the first respondent to submit the FIR copy in Crime No.344 of 2012 before the Lower Court within a reasonable time.

For Petitioner : Mr.R.Ramachandran

For Respondents : Mr.K.V.Rajarajan

Government Advocate (Crl.side)

O R D E R

This petition has been filed to direct the learned Judicial Magistrate No.III, Dindigul to dispose the application in Crl.M.P.No.1191 of 2015 in Crime No.344 of 2012 and also direct the first respondent to submit the FIR copy in Crime No.344 of 2012 before the Lower Court within a reasonable time.

2. Heard the learned counsel for the petitioner and the learned Government Advocate(Cr.side) appearing for the respondents and perused the materials placed on record.

3. It is seen that on 19.08.2012, a body was fished out from the well and it was found the body of the deceased Govindarajan. On the complaint lodged by Sivakumar the brother of the deceased Govindaraj, the respondent police registered a case in Crime No.344 of 2012 under Section 174 Cr.P.C. Inquest over the body was conducted and the body was sent for Post-mortem. Thereafter, the police closed the case as the case of suicide on 03.11.2012. Now, another brother of the deceased namely, Kalaiselvan is disputing the death of the said Govindarajan after lapse of four years. Earlier, Kalaiselvan filed a Crl.O.P.(MD) No.17368 of 2015 before this Court which was closed on 17.10.2014 with liberty to the petitioner to approach the concerned the Judicial Magistrate.



4. In cases of suicide, normally FIR under Section 174 Cr.P.C will be registered and a closure report will be filed before the Executive Magistrate namely the Tahsildar and not the Judicial Magistrate. Under such circumstances, it is too late for the petitioner to contend that there should be re-investigation of his brother's death.

5. In the result, this Criminal Original Petition is closed with liberty to the petitioner to work out his remedy in the manner known to law.

Sd/-
Assistant Registrar (CO Dept.)

/True copy/

Sub Assistant Registrar

To,

1.The Inspector of Police,
Sanarpatti Police Station, Dindigul District

2.The Executive Magistrate, (Tahsildar),
Dindigul, Dindigul District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.R.Ramachandran, Advocate, SR No.11044

CRL.OP.(MD) No.2066 of 2016
25.02.2016

CM

SH/SK-SKN:16.03.2016:2P/5C