



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 07.03.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P(MD)No.3952 of 2016

J.Shanmugam

... Petitioner/Defacto complainant

Vs.

1.State rep. By

The Inspector of Police,
Veeracholan Police Station,
Narikudi Circle, Virudhunagar District.
(Crime No.53 of 2015)

2.The Superintendent of Police,
Virudhunagar District.

... Respondents/Complainants

PRAYER: Criminal Original Petition is filed under Section 482 Cr.P.C., to withdraw the investigation in connection with Crime No.53 of 2015 pending on the file of the first respondent and direct the second respondent to entrust the same to any other competent officer under his jurisdiction.

For Petitioner	: Mr.M.Antony Jesurajan
For Respondents	: Mr.K.V.Rajarajan Government Advocate (Crl.Side)

ORDER

This petition has been filed for a direction to withdraw the investigation in connection with Crime No.53 of 2015 pending on the file of the first respondent and direct the second respondent to entrust the same to any other competent officer under his jurisdiction.

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

3. The respondent police has filed a status report, wherein, in Paragraph Nos.4 and 5, it is stated as follows:

"4.I humbly submit that meanwhile the Village Police In-charge Officer, Anaikulam had preferred a complaint before the respondent on 03.09.2015 thereby alleging that a woman's skeleton was found at Anaikulam Tank.



Thereafter this respondent went to the said place and found a fully decomposed body of a woman and nothing except a green saree and jacket and a red petticoat was found in it. Further a money purse was found with some coins scattered around it near the said dead decomposed body. Thereafter postmortem had been conducted on the same place in the presence of Forensic Experts and since there was no specific medical evidence was found regarding the decomposed body of woman was matching the missing woman, Mariyammal, FIR in Cr.No.77 of 2015 had been registered by this respondent on 04.09.2015 u/s.174 of Cr.P.C. thereafter the remains of the decomposed body was given to the petitioner for performing the last rites.

5.I humbly submit that the skull, femur, hip bones of the above said decomposed body were collected and sent to the forensic laboratory, Chennai for superimposing test vide the requisition in Ortho - 184, 185/2015 on 08.10.2015. Thereafter the DNA samples had been sent to the Regional Forensic Laboratory vide requisition in DNA 471/2015 dated 08.10.2015. It is pertinent to note that the results of superimposing test and the DNA test is still now awaiting from the Regional Forensic Laboratory, Chennai and if there is any concrete evidence is obtained that the said decomposed body was in fact the said Mariyammal, the respondent would alter the FIR in Cr.No.77/2015 under the relevant provisions of IPC. As far as this respondent is concerned, he had joined as the Inspector of police, Narikudi Circle only on 17.02.2016 and this respondent is monitoring the progress of investigation in Cr.No.53 of 2015 and Cr.No.77 of 2015 in accordance with law."

4. Taking into consideration the steps taken by the I.O., this Court is of the view that it is not a fit case to transfer the investigation to any other agency and it will serve the interest of justice, if the Deputy Superintendent of Police, Thiruchuli, is directed to monitor the investigation in Crime No.53 of 2015.

5. With the above direction, this petition is closed.

Sd/-

Assistant Registrar(AS)

/TRUE COPY/

Sub Assistant Registrar

To

<https://hccourtscn.org/>

The Inspector of Police,

Veeracholan Police Station,

Narikudi Circle, Virudhunagar District.



2.The Superintendent of Police,
Virudhunagar District.

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

4. The Deputy Superintendent of Police,
Thiruchuli

+1 CC TO MR.M.Antony Jesurajan, Advocate, Sr No:12875

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JAM /MGM-SS/23.03.16/3P-6c

Cr1.O.P (MD) No.3952 of 2016

07.03.2016