

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2017

CORAM

THE HON`BLE MR.JUSTICE A.D. JAGADISH CHANDIRA

Crl.O.P.No.27117 of 2012

M. Ramalingam

... Petitioner

Vs

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

2. The Inspector of Police,
Bhavani Police Station,
Crime No.355 of 2012,
Erode District.

3. The Addl. Director General of Police,
Crime Branch CID,
Chennai.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C directing the 1st respondent to withdraw the investigation in Crime No.355 of 2012 on the file of the 2nd respondent and transfer the investigation to the CBCID for the purpose of conducting fair investigation in Crime No.355 of 2012 in accordance with law.

For Petitioner

: M/s.N.Manokaran

For Respondents

: Mr.J.Karuppiah,
Additional Public Prosecutor

ORDER

This petition has been filed by the petitioner seeking transfer of investigation in Crime No.355 of 2012 on the file of the 2nd respondent to CBCID for the purpose of conducting fair investigation in accordance with law.

2. Brief facts of the petition is that the petitioner was residing with his two sons at Vatta Kadu in Bhavani Taluk and he was an agriculturist. One of his sons R.Velusamy who had completed diploma in Chemical Engineering had gone out along with his friends Viswanathan and Myilvel on 06.06.2012 to take bath in Bhavani River where it was stated that he died due to drowning. On a complaint given by the petitioner, the case was registered by the 2nd respondent in Crime No.355 of 2012 on 07.06.2012. Later, on 12.06.2012, after completing the final rites, the petitioner had given a complaint to the 1st respondent suspecting that the friends who had gone along with his son had caused the death of his son and requested him to take further action. Meanwhile, since no action was taken he has filed this petition seeking transfer of investigation.

3. Learned Additional Public Prosecutor submits that originally, the case had been registered under section 174 of Cr.P.C (drowning) and after taking into consideration the representation of the petitioner and after examining the

witnesses and taking into consideration various materials the respondent completed investigation and concluded that the death was due to drowning and that the final report had been filed before the appropriate authority on 28.09.2012 as "FAD" (further action dropped). Though the final report has been filed on 28.09.2012, the petition has been filed before this court seeking transfer of investigation on 31.10.2012.

4. In view of the representation made by the learned Additional Public Prosecutor, nothing survives in this petition and in the event of petitioner being aggrieved by the final report, it is for him to take appropriate legal recourse before the court below.

5. With the above observation, this petition is closed. On request made by the petitioner, the respondent police is directed to give a copy of the final report along with the documents, so as to enable him to avail appropriate legal recourse.

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Index : Yes
Internet: Yes

A.D.JAGADISH CHANDIRA, J

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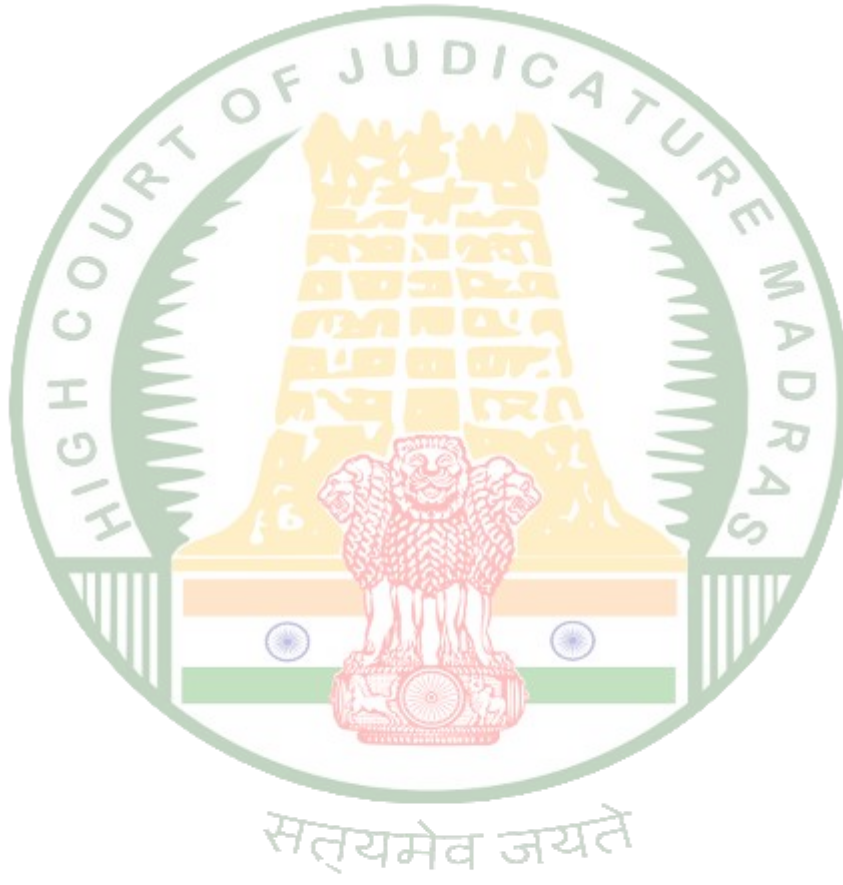
1. The Public Prosecutor, High Court, Chennai.
2. The Superintendent of Police,
Erode District,
Erode.
3. The Inspector of Police,
Bhavani Police Station,
Crime No.355 of 2012,
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