



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 15.03.2017

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

CRL.O.P. (MD) No.2837 of 2017

WEB COPY

A.Muthukrishnan

: Petitioner

-Vs-

1.The Inspector General of Police,
South Zone, Madurai.

2.The Superintendent of police,
Ramnad District.

3.The Sub Inspector of Police,
Thiruvadanai Police Station.

: Respondents

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code praying to direct the 1st Respondent to give suitable instruction to the 2nd respondent to alter the offence under Section 174 Cr.P.C. (suspicious death) as 302 of Indian Penal Code in Cr.No.248 of 2015 on the file of the 3rd respondent and to file a final report within the periods stipulated by this Honourable Court.

For Petitioner : Mr.M.A.Abdul Muthalif

For Respondents : Mr.A.P.Balasubramani,
Government Advocate (Crl.side)

O R D E R

On the complaint given by the petitioner, the respondent police registered a case in Crime No.248 of 2015 on 08.10.2015 under Section 174 of the Code of Criminal Procedure in connection with the death of the petitioner's son, by name Arunkrishnan. Not satisfied with the progress of investigation, the petitioner has come up with this petition for the above said prayer.

2. Heard Mr.M.A.Abdul Muthalif, learned counsel for the petitioner and Mr.A.P.Balasubramani, learned Government Advocate (Crl.side) appearing for the respondents. Today, Mr.S.Subramanian, Inspector of Police, Thiruvadanai Police Station, Ramanathapuram District, is present in Court.

3. At the outset, the aforesaid prayer is not maintainable, because, this Court cannot issue any direction under Section 482 of the Code of Criminal Procedure to the police to investigate a



case in a particular manner. The power of conducting investigation flows from Chapter-XII of the Code of Criminal Procedure and this Court cannot interfere into the executive domain.

4. The learned Government Advocate (Criminal side) submitted that the viscera report has not been received.

5. The fact remains that the First Information Report was registered as early as on 08.10.2015 and the police cannot be heard to say that they have not obtained the viscera report till date. The Deputy Superintendent of Police, Thiruvadanai Sub-Division, Ramanathapuram District, is directed to monitor the investigation that is being conducted by the Inspector of Police, in Crime No.248 of 2015 and ensure that the investigation is completed, within a period of three months from the date of receipt of a copy of this order. The petitioner, who is the father of the deceased, should be furnished with a copy of the post-mortem report, viscera report and inquest report after concluding the investigation, so that, he is satisfied that the investigation is going on in the right lines.

6. With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(P&A)

/True copy/

Sub Assistant Registrar

To

- 1.The Inspector General of Police,
South Zone, Madurai.
- 2.The Superintendent of police,
Ramnad District.
- 3.The Deputy Superintendent of Police,
Thiruvadanai Sub-Divison, Ramanathapuram.
- 4.The Inspector of Police,
Thiruvadanai Police Station, Ramanathapuram.
- 5.The Sub Inspector of Police,
Thiruvadanai Police Station.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

SML

AE/RR/24.03.2017/2P/7C