



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.O.P. (MD)No.3283 of 2017

WEB COPY

M.Sathish Kumar

: Petitioner

-Vs-

1.State Rep. by the
Inspector of Police,
Alanganallur Police Station,
Madurai District.
In Cr.No.136 of 2017.

2.The Superintendent of Police,
CBCID,
Madurai.

: Respondents

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code praying to direct the first respondent to transfer the investigation in Cr.No.136 of 2017 pending on the file of the first respondent to the second respondent or to any other competent independent agency to take necessary action at earliest in accordance with law to nab the accused No.2.

For Petitioner

: Mr.R.Murugan

For Respondents

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

O R D E R

The deceased Lakshmi was the wife of Muneeswaran and they were married ten years back. They did not have any issues. On 22.02.2017, Lakshmi attempted to commit suicide by self-immolation and she was admitted to the Government Rajaji Hospital, Madurai, with burn injuries. She gave a statement to the Sub-Inspector of Police, Alanganallur Police Station, in which, she has stated that her husband Muneeswaran and her mother-in-law Lakshmi were tormenting her for not begetting a child and that on 22.02.2017 when they abused her, unable to withstand it, she doused herself in kerosene and attempted to commit suicide. Based on her statement, a case in Crime No.136 of 2017 was registered on 24.02.2017 under Sections 294 (b) and 498(A) of the Indian Penal Code. While so, the petitioner herein, who is the brother of Lakshmi, has filed the present petition for transfer of investigation on the ground that the investigation is not going on in proper lines.



2. It is seen that Lakshmi succumbed to the injuries on 26.02.2017 and the case has now been altered to one under Section 498(A), 306 of the Indian Penal Code and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act.

3. Today, Mr.S.Jegadeeswaran, Special Sub-Inspector of Police, Alanganallur Police Station, is present in Court.

4. The learned Government Advocate (Criminal side) submitted that Muneeswaran (A-1), the husband of the deceased Lakshmi, has been arrested.

5. This Court perused the statement given by Lakshmi to the Sub-Inspector of Police, which can now be treated as a dying declaration, as it is relevant under Section 32 of the Indian Evidence Act.

6. In view of the above, this Court is of the view that this is not a fit case to transfer the investigation and it would serve the interest of justice, if the Deputy Superintendent of Police, Samayanallur Sub-Division, is directed to closely monitor the investigation in Crime No.136 of 2017, that is now being conducted by the Inspector of Police, Alanganallur Police Station, Madurai District.

7. This Criminal Original Petition is closed with the above direction.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub-Assistant Registrar

To

1.The Superintendent of Police,
CBCID,
Madurai.

2.The Deputy Superintendent of Police,
Samayanallur Sub-Division,
Madurai.

3.The Inspector of Police,
Alanganallur Police Station,
Madurai District.

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

+1 CC TO M/S.R.MURUGAN,ADVOCATE,SR NO.17517

SML

MAS/RR/SAR4:06.4.2017:2P-6C