



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:08.03.2017

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CORAM:

THE HONOURABLE DR.JUSTICE P.N.PRAKASH

CRL OP(MD)No.16756 of 2016

Ganesan

... Petitioner

-vs-

1. The Director General Of Police,
Office of the Director General Of Police,
Dr.Radhakrishnan Road, Chennai.
2. The Additional Director General of Police,
(CBCID)
Office of the Additional Director General of Police (CBCID)
Chennai.
3. The Superintendent of Police,
Office of the Superintendent of Police,
Pudukkottai District.
4. The Inspector of Police,
Malaiyur Police Station,
Pudukkottai District.

... Respondents

PRAYER: Criminal Original Petition is filed, under Section 482 of the Code of Criminal Procedure to direct the respondent No.1 to withdraw the case in Crime No.79 of 2016 on the file of the respondent No.4 and to entrust the same to respondent No.2 and include Section 302 IPC in the said case and complete the investigation within the time stipulated by this Court.

For Petitioner: Mr.R.Alagumani

For Respondent: Mr.K.Anbarasan

Govt.Advocate (Crl.Side)

O R D E R

This Criminal Petition is filed seeking a direction to the 1st Respondent to withdraw the case in Crime No.79 of 2016 on the file of the Respondent No.4 and to entrust the same to respondent No.2



and include Section 302 of the Indian Penal Code in the said case and complete the investigation within the time stipulated by this Court.

2. It is indeed a misfortune that the petitioner's young son, by name Ayyappan had died under certain circumstances, which had arisen suspicion in the mind of the petitioner and therefore he is before this Court for transfer of investigation.

3. It is the case of the petitioner that his son Ayyappan was working as a Driver for one Saravanakumar, who is said to be a party functionary and that on 05.06.2016 his son's body was found in the Well in the house of Saravanakumar. On coming to know of this, the petitioner gave a complaint, in which, he had not made any allegations against Saravanakumar, based on which, the respondent police registered a case in Crime No.79/2016 under section 174 Cr.P.C. Thereafter, the petitioner started contending that his son's death must have been caused by Saravanakumar and on these lines, he had sent a representation to the authorities for a fair investigation of the case. He has followed it up by filing the present Petition for transfer of investigation. Even, in the typed set of papers filed by the petitioner, he has enclosed the postmortem report. That apart, the petitioner, who is present before this Court, submitted that he has been furnished with a copy of the Viscera Report and Diatom report of the Expert.

4. The police proceeded with the investigation in Crime No.79/2016 and filed a closure report dated 03.02.2017 before the Tashildar, in which, it is stated that the death of Ayyappan was on account of he falling inside the Well and at any rate, it is not a case of murder.

5. Mr. Alagumani, learned counsel for the petitioner, submitted that the police did not even serve the copy of the closure report to the petitioner, which is strongly denied by the learned Government Advocate. Be that as it may, a copy of the closure report should be furnished to the petitioner/defacto complainant and accordingly the same is furnished in the open Court today. The de facto complainant/petitioner should also be given an opportunity to repudiate the closure report and therefore, this Court directs the Tashildar, Karambakudi Taluk, Pudukottai District to take photo copies of all the documents submitted by the Police and after retaining the same, sent the originals to the Court of Judicial Magistrate, Alangudi and the learned Judicial Magistrate, Alangudi, is directed to issue notice to the petitioner. Liberty is given to the petitioner/defacto complainant to file a protest application before the Judicial Magistrate Alangudi and the Judicial Magistrate, Alangudi, shall ~~and act in accordance with the law laid down by the Hon'ble Supreme Court in Vinay Tyagi Vs. State of U.P and~~



Others reported in **Laws (All)-2010-8-369.**

6. With the above direction this petition is ordered accordingly.

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Sd/-
Assistant Registrar (C)

/True Copy/

Sub Assistant Registrar

To:

1. The Judicial Magistrate,
Alangudi, Pudukkottai District.
2. -do- thro' The Chief Judicial Magistrate,
Pudukkottai.
3. The Director General Of Police,
Office of the Director General Of Police,
Dr.Radhakrishnan Road, Chennai.
4. The Additional Director General of Police,
(CBCID)
Office of the Additional Director General of Police (CBCID)
Chennai.
5. The Superintendent of Police,
Office of the Superintendent of Police,
Pudukkottai District.
6. The Inspector of Police,
Malaiyur Police Station,
Pudukkottai District.
7. The Tashildar,
Karambakudi Taluk,
Pudukkottai District.
8. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

TA/RR

TE/MR : 24/03/2017 : 3P/9C

C.R.L.O.P. No.16756 of 2016
08.03.2017