



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.04.2017

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THE HON'BLE MR. JUSTICE P.N. PRAKASH**Cr1.O.P. (MD) No.4526 of 2017**

WEB COPY

A.Alagar : Petitioner / Defacto Complainant

-Vs.-

1.The Superintendent of Police
Virudhunagar District,
Virudhunagar.

2.The Inspector of Police,
Kariapatti Police Station,
Virudhunagar District.

3.The Deputy Superintendent of Police,
CBCID, Virudhunagar,
Virudhunagar District.

: Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to issue a direction, directing the withdrawal of the case in Crime No.222 of 2016 pending on the file of respondent No.2 and entrust the same to respondent No.3 for investigation of the case by a competent officer and file a final report before the Jurisdictional Magistrate.

For Petitioner : Mr.N.Anandakumar

For Respondents : Mr.K.Anbarasan

Government Advocate (Cr1.Side)

O R D E R

Pursuant to the death of the petitioner's son, a case in Crime No.222 of 2016 was registered on 04.09.2016 under Section 174 of the Code of Criminal Procedure by the second respondent police, to transfer which, the petitioner has filed the present petition.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal side) appearing for the respondents.

3. The learned Government Advocate (Criminal side) submitted that the investigation in Crime No.222 of 2016 was conducted and during the course of investigation, the body of the deceased was sent for post-mortem and after obtaining the post-mortem report and viscera report and examining other witnesses, the police have closed the case and submitted a closure report to the Executive Magistrate on 15.02.2017.

4. The petitioner himself has filed a copy of the post-mortem report in the typed-set of papers, which clearly shows that



there is no mark of violence of injuries on the body of the deceased. The final opinion of the post-mortem doctor is that the deceased would appear to have died of organo phosphorus insecticide poisoning. The final report of the police shows that the marriage of the deceased was inter-caste marriage and after marriage, his wife got estranged from him, on account of which, he was in a state of depression and had committed suicide by consuming poison. Thus, this Court does not find any serious infirmity in the investigation. However, the Tahsildar, (*) **Kariapatti**, is directed to take photographs of all the records and forward the original records to the Court of Judicial Magistrate No.2, Virudhunagar, within four weeks from the date of receipt of a copy of this order. Thereafter, four weeks time is given to the petitioner to file a protest application, if any, before the learned Judicial Magistrate No.2, Virudhunagar. On filing of such protest application, the same shall be dealt with by the learned Magistrate in accordance with the law laid down by the Supreme Court in **Vinay Tyagi Vs. State of U.P and Others reported in Laws (All)-2010-8-369.**

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

Sd/-
Assistant Registrar

**(*) AMENDED AS PER ORDER OF
THIS HON'BLE COURT DATED 21/06/2017**
/True copy/

Sub Assistant Registrar

To

(*) TO BE SUBSTITUTED ORDER ALREADY DESPATCHED ON 21/04/2017

1. Judicial Magistrate No.2, Virudhunagar.
- (*) 2. The Tahsildar, Kariapatti**
3. The Superintendent of Police
Virudhunagar District,
Virudhunagar.
4. The Deputy Superintendent of Police,
CBCID, Virudhunagar,
Virudhunagar District.
5. The Inspector of Police,
Kariapatti Police Station,
Virudhunagar District.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.N.ANANDAKUMAR, Advocate, SR No. 53081

SML

PSM/JC/SAR4/21.04.2017/2P/8C

<https://hcservices.ecourts.gov.in/hcservices/>

RL/KP/SAR4/8C/2P/28/6/2017

Order made in
Crl.O.P.(MD) No.4526 of 2017
Dated: 18.04.2017