



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2017

CORAM:

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

CrI.O.P.(MD).No.9763 of 2017

and

CrI.M.P.(MD).No.6658 of 2017

Kathiresan

.. Petitioner

Vs.

1.The Director General of Police,
State of Tamil Nadu
Chennai - 600 004.

2.The Superintendent of Police,
Sivagangai District @ Sivagangai.

3.The Inspector of Police,
Puluthipatti Police Station,
Sivagangai District.

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to grant a direction to direct the 1st and 2nd respondents to transfer the investigation of the case in Crime No.36 of 2017, from the file of the 3rd respondent to any other competent investigating agency preferably to CBCID wing for a free and fair investigation.

For Petitioner : Mr.N.Sathish Babu

For Respondents : Mr.K.Anbarasan

Government Advocate (Criminal side)

ORDER

The petitioner seeks a direction to direct the 1st and 2nd respondents to transfer the investigation of the case in Crime No.36 of 2017, from the file of the 3rd respondent to any other competent investigating agency preferably CBCID for a free and fair investigation

2. Heard the learned counsel for the petitioner and the learned Government Advocate (CrI. Side) for the respondents.

3. The petitioner states that his second son, by name Naresh Kumar, on 05.06.2017, was going for walk at Simmakal Market, however he did not return from there. It is further stated that on 06.06.2017 at about 7.00 a.m. the petitioners was informed by his relatives that they had a call from the second respondent regarding the death of the petitioner's son in a road accident occurred near Puluthipatti village. The petitioner further states that he came to know that his son Nareshkumar went along with one Kathan @ Sivakumar and three others. The petitioner also suspect



that the four persons referred to in his representation, dated 03.07.2017, might have caused the death of the petitioner's son by committing murder by way of accident.

4. In the said circumstances, referring to the petitioner's representation that was given on 03.07.2017, the petitioner states that the respondent has not taken any action though information about the accused persons have been given to the respondent police. Even in his complaint, he has not given any statement suspecting the involvement of the friends of his son. It is only in his representation, dated 03.07.2017, the petitioner has stated something about the involvement of the four of the friends of his son and alleged that the death of his son might have been caused by those friends. Since, the information has been given long after the registration of the criminal case, this Court is of the view that the investigation need not be transferred at this stage for not taking immediate action.

5. The learned Government Advocate (Crl.Side) on instructions, would represent that the statement of the petitioner in his representation, dated 03.07.2017, was seriously taken note of and that the third respondent is also investigating the matter.

6. In such circumstances, at this stage, this Court is not in a position to conclude that there is any reasonable cause for transferring the investigation. Hence, this Criminal Original Petition is **dismissed**. Consequently, connected miscellaneous petition is also dismissed. However, liberty is given to the petitioner to approach this Court, if there is no progress and no enquiry within a reasonable time.

Sd/-

Assistant Registrar(Wris)

/True Copy/

Sub Assistant Registrar

To

1. The Director General of Police,
State of Tamil Nadu
Chennai - 600 004.
2. The Superintendent of Police,
Sivagangai District @ Sivagangai.
3. The Inspector of Police,
Puluthipatti Police Station, Sivagangai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High court,
Madurai.

+1cc to Mr.N.Sathish Babu Advocate in SR. No.68187

DAS/PJL

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

JS/MR.KKR/SAR.4/7.8.2017/3P-6C

Cr1.O.P(MD)No.9763 of 2017
27.07.2017