

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.10.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM

Crl.OP.No.32349 of 2013

A.Paulraj ... Petitioner

Vs.

1. The Superintendent of Police,
Krishnagiri,
Krishnagiri District.

2. The Inspector of Police,
HUDCO Police Station,
Hosur,
Krishnagiri District. ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the first respondent herein to appoint any other police officer so as to conduct fair and fresh investigation under the supervision of the first respondent herein based on the petitioner's representation dated 19.10.2012 in respect of Crime No.134 of 2011 on the file of the second respondent police station.

For Petitioner : Mr.S.Kasi Rajan

For Respondents : Mr.T.Shunmugarajeswaran
Government Advocate (Crl.Side)

ORDER

This petition has been filed by the defacto complainant/father of the deceased to direct the first respondent to appoint any other police officer so as to conduct fair and fresh investigation under the supervision of the first respondent, based on the petitioner's representation dated 19.10.2012 in respect of Crime No.134 of 2011 on the file of the second respondent police station.

2. The learned counsel for the petitioner has submitted that the petitioner's younger son namely P.Prabakaran was studying first year B.E.Course at Atiyaman College of Engineering, Hosur. On 26.03.2011 at about 4 p.m, the petitioner had received a call from one Poovendhan, classmate of the petitioner's son stating that his son went to a well to take bath and after jumping into the well, his son did not come out of the well. He further submitted that on the same day, at about 5.30 p.m., the Sub-Inspector of Police, spoke to the petitioner over cell phone and stated that his son died. On hearing the news of death of his son, the petitioner had rushed to the second respondent police station on 27.03.2011 at 06.00 a.m and gave a complaint with regard to the death of his son.

3. Based on the said complaint, the second respondent had registered a case in Crime No.134 of 2011 under Section 174 of Cr.P.C stating that "death due to drowning". He further submitted that after registering the case, the body was sent to the Government Hospital, Hosur for post-mortem and after conducting post-mortem, the doctor had issued post-mortem certificate stating that blood had leaked out from the nose and a blood stained injury was also found on the back side of his head and these marks clearly indicate that death was not due to drowning. He further submitted that the petitioner suspects that his son was killed by somebody and thrown into the well so as to make it appear that the petitioner's son jumped into the well so as to take bath due to drowning. He further submitted that the second respondent not even taken steps to get chemical analysis report and hence the petitioner gave a representation dated 19.10.2012 to the first respondent to appoint any other police officer to conduct fair and fresh investigation, but, no action has been taken on the said representation. He further submitted that in the post-mortem certificate, it is stated that final opinion has been reserved pending chemical analysis. He further submitted that a petition to the Chief Medical Officer, Government Hospital, Hosur under Right to Information Act seeking particulars as to whether the internal organs were sent for Chemical analysis and for that the Chief Medical Officer, Government Hospital, Hosur by letter

dated 25.10.2012 has replied that the second respondent herein has not submitted any letter requesting to send the internal organs for chemical analysis. He further submitted that the aforesaid facts will clearly show that the second respondent has not done the investigation in a fair manner and therefore, he requests to direct the first respondent to appoint some other officer to conduct investigation.

4. The learned Government Advocate (Criminal side) has submitted that the second respondent after registering the case, took up the matter for investigation and during investigation, he had submitted a letter to the Chief Medical Officer, Government Hospital, Hosur requesting him to send the internal organs for Chemical analysis. Based on the same, the internal organs were sent to the Forensic Sciences Department, Chennai. He further submitted that the Forensic Sciences Department after Chemical analysis had sent a report dated 02.01.2013 stating that the internal organs were examined but poison was not detected in any of them. Based on the said chemical analysis report, the Doctor who conducted the post-mortem gave a final opinion on 19.12.2013 stating that "death was due to drowning". He further submitted that after getting final opinion from the Doctor who conducted the post-mortem, the second respondent completed the investigation and came to the conclusion that the death of the petitioner's son was due to drowning and therefore, he had dropped further action and to that effect he had filed a final report to the Tahsildar/ Executive Magistrate, Hosur. Therefore, he requests to dismiss this petition.

5. The learned Government Advocate (Criminal side) has produced a copy of the Chemical analysis report of the Forensic Sciences Department, final opinion of the Doctor who conducted the postmortem and copy of the final report. A perusal of those documents would show that the Forensic Sciences Department has analysed the internal organs and gave a report stating that poison was not deducted in the internal organs and based on the said report, the Doctor who conducted the post-mortem, gave a final opinion on 19.12.2013 stating that death was due to drowning. So, it is clear that the death of the petitioner's son was due to drowning.

6. The petitioner has not stated in his petition that he is having grievance against the post-mortem conducted in respect of the body of his son. His grievance is only against the second respondent as he has not taken immediate steps for sending the internal organs for chemical analysis. As already pointed out that the chemical analysis report has been received. In the said report, it is clearly stated that poison is not found in the internal organs. The doctor who conducted the post-mortem has opined that death was due to drowning. So, the said final opinion, cannot be suspected.

7. Based on the chemical analysis report and also the final opinion given by the Doctor who conducted the post-mortem, the second respondent has come to the conclusion that the death of the petitioner's son was due to drowning in water and accordingly he has dropped further action and also filed the final report to that effect before the Tahsildar/Executive Magistrate, Hosur. There is no reason to suspect the conduct of the second respondent. Therefore, this Court is of the view that there is no merit in this case and the same is liable to be dismissed.

8. In the result, this Criminal original petition is dismissed.

10.10.2018

Index:Yes/No

Speaking/Non-speaking order

vsn/vv

To

1. The Superintendent of Police,
Krishnagiri,
Krishnagiri District.

P.RAJAMANICKAM., J.

vsn/vv

2. The Inspector of Police,
HUDCO Police Station,
Hosur,
Krishnagiri District.

3. The Public Prosecutor,
High Court, Chennai.

10.10.2018