

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2018

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

Crl.O.P.No.10754 of 2018

K.Kala

... Petitioner

vs.

1.The Inspector of Police,
Devala Police Station,
Devala,
Nilgiris District

2. The Inspector of Police,
CB CID Police,
Udhagamandalam,
Nilgiris District.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the investigation in Crime No.533 on the file of the 1st Respondent be withdrawn and transferred to the 2nd respondent.

For petitioner : M/s.D.Geetha

For respondents: C.Raghavan,
Government Advocate(Crl.Side)

O R D E R

This Criminal Original Petition has been filed to direct the investigation in Cr.No.533 of 2017 on the file of the 1st Respondent to be withdrawn and transferred to the 2nd respondent.

2. Yuvaraj, a student of 12th standard, unfortunately committed suicide, by hanging in his residence on 30.08.2017 and on the complaint given by his mother Kala, the first respondent police have registered a case in Crime No.533 of 2017 on 30.08.2017 under Section 174 Cr.P.C. and the investigation is in progress. Not satisfied with the manner of the investigation, Kala is before this Court seeking transfer of the investigation to the CBCID.

3. The learned counsel for the petitioner submitted that the suicide of the boy was on account of ill-treatment by his teachers in the school and therefore, action has to be taken against the teachers and the case has to be transferred to the CBCID and Sec 306 IPC should be included.

4. Per contra, the learned Government Advocate (Crl.Side) refuted the contention.

5. This Court gave its anxious consideration to the rival submissions.

6. On a reading of the complaint given by Kala, it is seen that her son Yuvaraj was not interested in going to school and he wanted to join ITI. However, on the fateful day, he did not go to school and he committed suicide in his residence. In every case of suicide, it is not necessary that someone has to be implicated and prosecuted. In a case of this nature, the police should be very careful and should not hurriedly effect the arrest of the teacher as that could have a far reaching impact on the teaching community.

7. Be that as it may, the learned counsel for the petitioner submitted that Kala had not given the complaint which formed the basis of the FIR and that it was forcibly obtained by the Police from her.

8. This disputed question of fact cannot be gone into by this Court in a transfer petition. This Court is of the view that the interests of justice would be served, if the Deputy Superintendent Police is directed to monitor the investigation in Crime No.533 of 2017, that is being conducted by the Inspector of Police, Devala Police Station, the Nilgiris District, for expeditious completion of the investigation and file necessary report under due intimation to Kala and it is accordingly directed.

9. It is made clear that whatever is stated above, is only for the limited purpose of deciding this transfer petition and the observations made in this order shall not influence the investigation in Crime No.533 of 2017.

10. With the above direction, this petition is disposed of.

Sd/-
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To

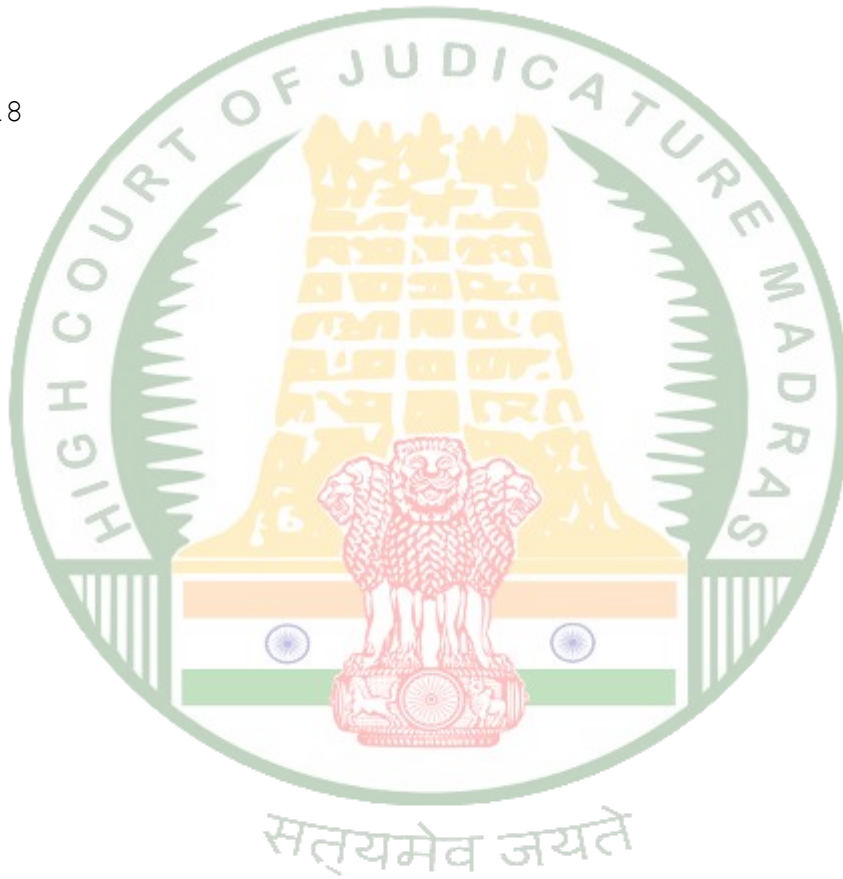
1.The Inspector of Police,
Devala Police Station,
Devala,
Nilgiris District

2.The Inspector of Police,
CB CID Police,
Udhagamandalam,
Nilgiris District.

3. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.10754 of 2018

SSI (CO)
JK 20/04/18



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