

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.08.2018

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THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.10823 of 2018

R.Balakrishnan

.. Petitioner/Complainant

Vs

1.The Commissioner of Police,
Commissioner Office Buildings,
Veppery, Chennai.

2.The Director of CBCID,
Commissioner Office Buildings,
Veppery, Chennai.

3.The Inspector of Police,
Guindy Police Station,
Guindy, Chennai.

4.The Inspector of Police,
Tambaram Railway Police Station (Railway Police Form),
Tambaram, Chennai.

.. Respondents/Respondent

Criminal Original Petition filed under Section 482
Cr.P.C., seeking to transfer the investigation from the 3rd
respondent to any other investigation agency, not less than the
CBCID Police.

For Petitioner : Mr.T.Elumalai

For Respondent : Mr.C.Iyappa Raj,
Additional Public Prosecutor

W E B C O P Y
O R D E R

The petitioner's son viz., Kalaibabu, joined first year
in the Institute of Chemical and Leather Technology, Tharamani
and was hostelite. He went missing on 10.09.2017, pursuant to
which, on the complaint given by his mother viz., Kalaiselvi, a
case in Guindy Police Station Crime No.2360 of 2017 was
registered for man missing. While so, on the information
provided by the Station Master, Meenambakkam Railway Station
that a dead body has been found near the track, a case in GRP

Tambaram Police Station Crime No.152 of 2017 was registered on 11.09.2017 under Section 174 of Cr.P.C.

2. Tambaram Police was not able to identify the name of the dead body, despite steps taken by them. They conducted inquest and sent the body for postmortem. A description of the body was given to the State Crime Records Bureau.

3. On coming to know of that, the family of Kalaibabu approached the Tambaram Police and from the Police, they got confirmed that the un-identified dead body was that of Kalaibabu. Under such circumstances, the father of Kalaibabu is before this Court for transfer of investigation.

4. Today, Mr.R.Thiyagu, Head Constable of Police is present. The Inspector of Police, Guindy Railway Police Station, has filed a status report has been filed by the Inspector of Police, Tambaram Railway Police Station, dated 04.07.2018, wherein in Para Nos.10,11,12, which reads as follows:

10. It is submitted that the case is still under investigation, after getting Viscera Report in order to obtain the Final Opinion of cause of death. After that only I will be able to proceed further in accordance with law.

11. It is submitted that during the course of investigation, the petitioner lodged a complaint, dated 07.02.2018 before the Commissioner of Police, Chennai City and The Inspector of Police, J-3, Guindy Police Station, Chennai stated that he belongs to Schedule Community and his son was studying at Institute of Polymer Technology CPT Campus, during that period his son was harassed by his upper caste roommate, namely, Sathish, Saminathan, Manikandan and Bharath by calling his caste name. Due to that the petitioner's son got mental agony and he left out from the Hostel on 10.09.2017 at night 10 pm., but he did not return. Hence, the petitioner suspected the above said roommates of his son, they murdered his son.

12. I submit that so far we have conducted the investigation in a fair, free and impartial manner and in accordance with law. All the mandatory provisions have been complied during the course of the investigation and the same is under investigation.

5. On instructions, the learned Additional Public Prosecutor, submitted that the investigation is being conducted by the Deputy Inspector of Police, Egmore Division.

6. It is seen that in the complaint in Crime No.2360 of 2017, Kalaiselvi has stated that her son Kalaibabu had informed his uncle that he is being ragged by his seniors. There is no mention of any name in that complaint. However, in the subsequent representation, the name of one Sathish, Saminathan, Manikandan and Bharath has been mentioned. In the FIR in Crime No.2360 of 2017, there is no allegation of caste abuse and only in the representation dated 07.02.2018 given to the Commissioner of Police, the petitioner has alleged that her son suffered caste discrimination in the college. All these aspect has to be borne in mind by the Deputy Superintendent of Police, while conducting the investigation. For the present, this Court does not find any infirmity in the progress of the investigation warranting transfer.

7. In the result, this petition is closed with a direction to the Deputy Superintendent of Police, Egmore Division, to proceed further with investigation in Crime No.152 of 2017 and complete the same expeditiously and either file a closure report or charge sheet as the case may be under due intimation to the defacto complainant.

Sd/-

Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner of Police,
Commissioner Office Buildings,
Veppery, Chennai.

2.The Director of CBCID,
Commissioner Office Buildings,
Veppery, Chennai.

3.The Inspector of Police,
Guindy Police Station,
Guindy, Chennai.

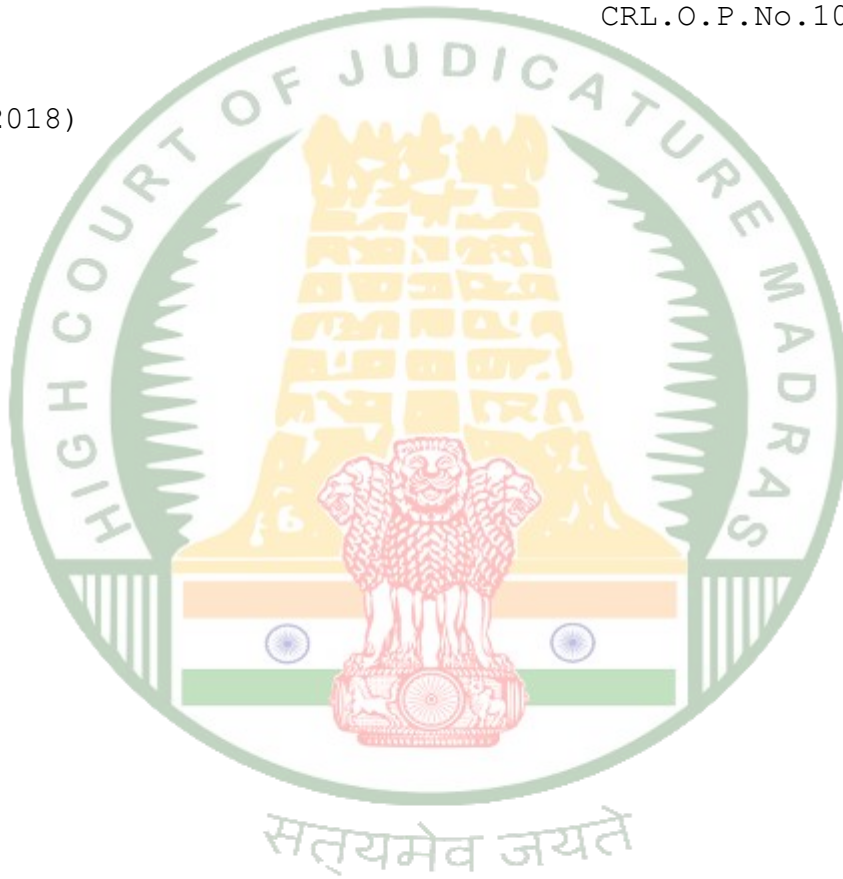
4.The Inspector of Police,
Tambaram Railway Police Station (Railway Police Form),
Tambaram, Chennai.

5.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.T.ELUMALAI, Advocate, S.R.No. 53807

CRL.O.P.No.10823 of 2018

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