

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 10.09.2018

CORAM
THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM

CRL.O.P.No.21707 of 2018

Ramachandran

...Petitioner

Vs.

1.The Commissioner of Police,
Vepperry,
Chennai - 600 007.

2.The Deputy Commissioner of Police,
Avadi, Chennai

3.The Additional Commissioner of Police,
CBCID, No.220, Pantheon Road,
Egmore, Chennai - 600008.

4.Sub Inspector of Police,
T.7 Tank Factory Police Station,
Avadi, Chennai 600054.

5.The Principal,
Nazareth Matric Higher Secondary School,
Kannadapalayam,
Avadi, Chennai - 62.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to change of investigation in Crime No.496 of 2018 on the file of the 4th respondent police to the 3rd respondent or to some other police officer or other district and to direct the completion of investigation within time frame.

For Petitioner : Mr.M.Gnanasekar

For Respondents : M/s.M.Prabhavathi
Additional Public Prosecutor.

ORDER

This petition has been filed by the de-facto complaint to transfer the investigation in Crime No.496 of 2018 from the file of the 4th respondent to the 3rd respondent or to some other police officer and to direct to complete the investigation within the time which may be fixed by this Court.

2. The learned counsel for the petitioner has submitted that the petitioner's son namely Vasanthakumar was studying at 8th Standard at Nazareth Matric Higher Secondary School, Kandapalayam, Avadi, Chennai - 62. He further submitted that the said Vasanthakumar was hale and healthy and he was awarded with many meritorious certificates and he was adorned with several medals. He further submitted that he was an athletic in running race and he was a hockey player representing his school in the District. On 12.06.2018 at about 3.30 p.m., the petitioner dropped his son Vasanthakumar at Ajay Stadium and had gone to his residence. At about 16.15 hours, the petitioner received a message from the P.T. Master of Nazereth School, Mahi stating that his son Vasanthakumar swooned at play ground and they were on the way to H.V.F. Hospital. He further submitted that immediately the petitioner rushed to the said Hospital and the doctor informed that the petitioner's son Vasanthakumar passed away. He further submitted that, immediately the petitioner had lodged a complaint before the 4th respondent stating that he has a doubt in the death of his son and he was having signs of injury on the private parts (testicles) and they were swelling, but the fourth respondent has registered a case under Section 174 of Cr.P.C. He further submitted that after registering the case, the fourth respondent has not shown any interest in conducting the investigation in a fair manner and hence, the investigation may be transferred to the third respondent or to some other police officer of other district.

3. The learned Additional Public Prosecutor has submitted that after registering the case, the fourth respondent has taken up the matter for investigation and conducted inquest and in the said inquest, it was found that the deceased died due to Epilepsy. He further submitted that the post-mortem certificate also would show that there was no injury on the private part of the deceased as alleged by the petitioner. She further submitted that the post-mortem doctor also opined that the deceased would have died due to Epilepsy. She further submitted that the investigation is almost over and the final report will be filed shortly and hence, the investigation need not be transferred to any other authority.

4. According to the petitioner, he found injuries on the private part of the deceased and the testicles were swelling, but the post-mortem certificate does not show any injury on the testicles. The petitioner is not having any grievance with regard to the post-mortem conducted by the doctors and he is having grievance that the fourth respondent has not conducted the investigation in a proper manner. Since the post-mortem certificate does not show any injury on the private part of the deceased, this Court is of the view that there is no basis for the petitioner's apprehension.

5.The learned counsel for the petitioner has submitted that the fourth respondent is prepared to file final report even without getting the forensic science report.

6. Considering the aforesaid submissions and also the aforesaid facts, this Court is of the view that the investigation need not be transferred from the fourth respondent to any other agency. The fourth respondent is directed to file final report only after getting report from the Forensic Science Lab.

With the aforesaid observations, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

bkn/vsa

To

- 1.The Commissioner of Police,
Vepperry,
Chennai - 600 007.
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- 3.The Additional Commissioner of Police,
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+1cc to Mr.Gnanasekar, Advocate, S.R.No.62558

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rrs 23/10/2018