

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2018

CORAM

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

Crl.O.P. No.15643 of 2018

A.Arunadevi

...Petitioner

vs.

1. The Superintendent of Police
Tiruppur
Tiruppur District.

2. The State
Rep. by its the Inspector of Police
Periyanaickenpalayam Police Station
Coimbatore District.

...Respondents

Criminal Original Petition filed under Section 482, Cr.P.C. to transfer the investigation in Crime No.171 of 2018 on the file of 2nd respondent police to some other officers under the control of 1st respondent.

For petitioner : Mr.K.Myilsamy

For Respondents: Mrs.P.Kritika Kamal.P

Government Advocate (Crl.Side)

O R D E R

This Criminal Original Petition has been filed to transfer the investigation in Crime No.171 of 2018 on the file of the second respondent police to some other officers under the control of the first respondent.

2. Today, Mr.A.Vetrivel Murugan, Inspector, Periyanaickenpalayam Police Station, Coimbatore District, is present before this Court.

3. On the complaint lodged by the petitioner, a case in Crime No.171 of 2018 has been registered on 19.04.2018 for the offence under Section 174 Cr.P.C. While so, the petitioner has filed the present petition to transfer the investigation on the ground that the investigation is perfunctory.

4. It is seen that the petitioner has enclosed a copy of the postmortem report in the typed set of papers, without explaining its source. In Selvanathan @ Raghavan vs. State by Inspector of

Police 1988 L.W.(Crl.) 503, a Full Bench of this Court has very clearly stated that no party will be entitled to get certain documents including postmortem report, until the conclusion of the investigation.

5. Per contra, the learned Government Advocate (Crl.Side) submitted that the Viscera shows that there was no poison or alcohol in the contents. The final opinion of the Doctor shows that the deceased would appear to have died of Pulmonary Oedema. The learned Government Advocate (Crl. Side) further submitted that the investigation has not been done by the Inspector of Police, Periyanaickenpalayam Police Station, but, by the Deputy Superintendent of Police, Periyanaickenpalayam.

6. In the opinion of this Court, this is not a fit case to transfer the investigation to any other agency. However, the Deputy Superintendent of Police, Periyanaickenpalayam, is directed to complete the investigation in Crime No.171 of 2018 within a period of six months from the date of receipt of a copy of this order and either file a closure report or the final report as the case may be, under due intimation to the de facto complainant.

With the above direction, this petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

mk

To

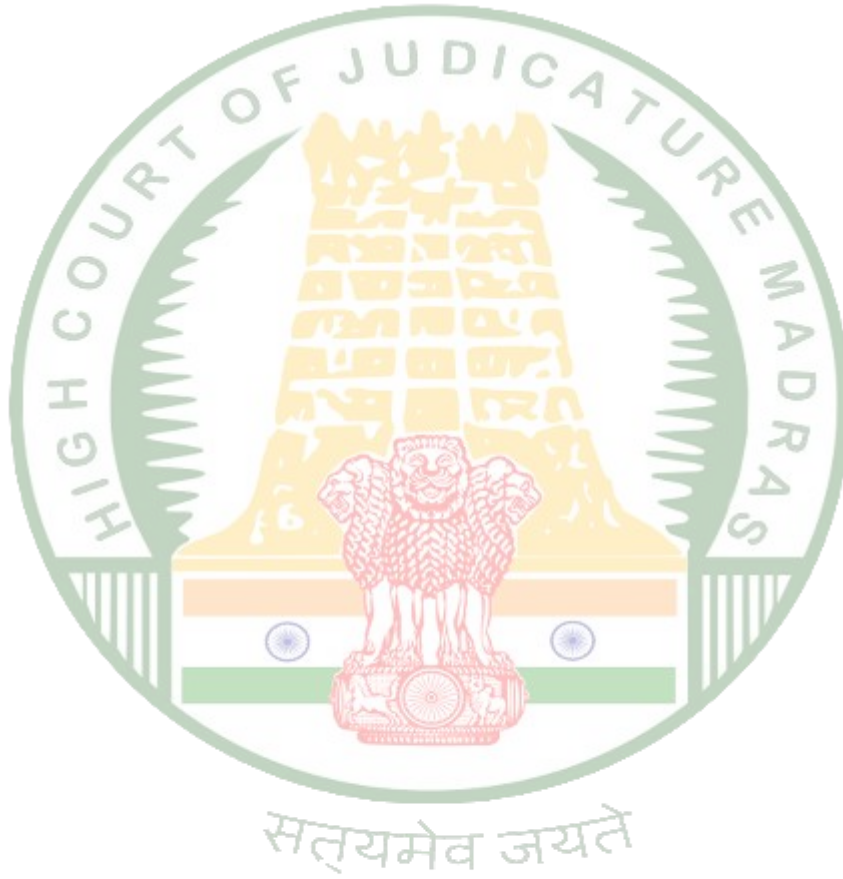
- 1.The Superintendent of Police
Tiruppur
Tiruppur District.
- 2.The Superintendent of Police,
Periyanaickenpalayam Police Station
Coimbatore District
- 3.The Inspector of Police
Periyanaickenpalayam Police Station
Coimbatore District.

4.The Public Prosecutor
High Court, Madras.

+lcc to Mr.K.Myilsamy, Advocate sr.no.37835

Cr1.O.P. No.15643 of 2018

VBA(CO)
NR 29/06/2018



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