

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.Nos.19704, 19683 and 19684 of 2018

C.Parthipan ... Petitioner/Defacto Complainant
in all the three petitions

Vs

1. The Superintendent of Police,
Collector Office Road,
Moovendar Nagar,
Villupuram District - 605 602.
2. The Inspector of Police,
Thirunavalur Police Station,
Villupuram District-607 204. Respondents/Complainant
in Cr1.O.P.Nos.19704
& 19683 of 2018

1. The Superintendent of Police,
Collector Office Road,
Moovendar Nagar,
Villupuram District - 605 602.
2. The Inspector of Police,
Thirunavalur Police Station,
Villupuram District - 607 204.

3. S.Vibishunan

4. E.Jaganraj

5. K.Veerapan

6. K.Durai

7. S.Seesakumar

8. M.Ganesan

9. S.Manikandan

10. S.Pavadai

11. P.Anjugalakshmi

12. A.Parasuraman

13. K.Santhoshkumar

... Respondents
in CrI.O.P.No.19684 of 2018

Prayer in CrI.O.P.No.19704 of 2018 : Criminal Original Petition filed under Section 482 Cr.P.C., to alter the First Information Report in Crime No.442 of 2018 pending on the file of the 2nd respondent police and consequently direct the 2nd respondent police to include the name of the accused persons under Sections 294(b), 306, 503, 506(II) of IPC.

Prayer in CrI.O.P.No.19683 of 2018 : Criminal Original Petition filed under Section 482 Cr.P.C., to transfer the investigation in Crime No.442 of 2018 pending on the file of the 2nd respondent police to Crime Branch Central Investigation Department (CBCID), Villupuram and consequently direct the Crime Branch Central Investigation Department (CBCID), Villupuram to conduct fresh investigation by an officer of not below the rank of Deputy Superintendent of Police and conclude the investigation within the time stipulated by this Hon'ble High Court.

Prayer in CrI.O.P.No.19684 of 2018 : Criminal Original Petition filed under Section 482 Cr.P.C., to direct the 1st and 2nd respondent police to afford the police protection to the lives of the petitioner and his family members on the basis of the petitioner complaint dated 01.08.2018.

For Petitioner : Mr.J.Prakasam
in all the three petitions

For R1 & R2 : Mr.C.Raghavan
Government Advocate for R1 & R2
in all the three petitions

C O M M O N O R D E R

The petitioner's father committed suicide by hanging on 29.06.2018 and on the complaint given by the petitioner, the respondent police have registered a case in Crime No.442 of 2018 on 29.06.2018 under Section 174 Cr.P.C. After conducting inquest, the body was sent for post mortem. Since, Viscera report has not been obtained from the Forensic Science Laboratory, final opinion has not been given by the post mortem surgeon. While so, the petitioner has filed the above petitions.

2. Heard the learned counsel for the petitioner who contended that his father was pushed to the level of committing suicide by one K.Durai and others and therefore, they should be implicated in the case.

3. In the opinion of this Court, no direction as prayed for, by the petitioner can be granted, in the light of the law laid down by the PRIVY COUNCIL in King Emperor Vs. Khwaja Nazir Ahmad [(1943-44) 71 IA 203], which judgment has been approved by a catena of judgments of the Supreme Court. This Court, under Section 482 Cr.P.C. cannot step into the shoes of the investigating officer and issue directions as to how, he should have to investigate a case. That apart, only after the receipt of the Viscera report, the opinion of the surgeon about the cause of death will be issued.

4. Under such circumstances, it is too premature to say that the investigation is perfunctory. It is not necessary that in every case of suicide, somebody has to be implicated. Under such circumstances, all these petitions are closed.

5. However, the Deputy Superintendent of Police, Villupuram is directed to monitor the investigation in Thirunavalur Police Station Crime No.442 of 2018, that is being conducted by the Inspector of Police, Thirunavalur Police Station and after completion of the investigation, either file a closure report or a Charge Sheet, as the case may be, under due intimation to the de facto complainant.

6. As regards the request for police protection, the 2nd respondent is directed to ensure that no harm befalls the petitioner and his family members at the hands of the respondent Nos.3 to 13.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

gya/mkn

To

1. The Superintendent of Police,
Collector Office Road,
Moovendar Nagar,
Villupuram District - 605 602.
 2. The Inspector of Police,
Thirunavalur Police Station,
Villupuram District - 607 204.
 3. The Deputy Superintendent of Police,
Villupuram.
 4. The Public Prosecutor,
High Court, Madras.
- + 3 ccs to Mr.J. Prakasam, Advocate Sr.54294, 54295, 54296

CRL.O.P.Nos.19704, 19683 & 19684 of 2018

NMI (CO)

<https://hcservices.ecourts.gov.in/hcservices/>
EU (28/08/2018)