

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:22.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.25427 of 2018

Marappa

...Petitioner

Vs.

1.The Superintendent of Police
Krishnagiri District
Krishnagiri

2.The Deputy Superintendent of Police
Hosur
Krishnagiri District

3.The Inspector of Police
Bagalur Police Station
Krishnagiri District
(Crime No.217 of 2018)

...Respondents

PRAYER:Criminal Original Petition is filed under Section 482 of Cr.P.C., to transfer the investigation in Crime No.217 of 2018 pending on the file of the 3rd respondent Police to some other investigating agency, preferably, the District Crime Branch at Krishnagiri or the Inspector, CBCID / Crime Investigation Department at Krishnagiri or any other agency as this Court deems fit and proper to the facts and circumstances of the case.

For Petitioner : Mr.R.Jayaprakash

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

The Criminal Original Petition has been filed by the petitioner under Section 482 of Cr.P.C., to transfer the investigation in Crime No.217 of 2018 pending on the file of the 3rd respondent Police to some other investigating agency, preferably, the District Crime Branch at Krishnagiri or the Inspector, CBCID / Crime Investigation Department at Krishnagiri or any other agency as this Court deems fit and proper to the facts and circumstances of the case.

2.The learned counsel for the petitioner would submit that his son-in-law conspired with his parents and siblings harassed his daughter by beating, kicking and killed her and made her cadaver by hanging her in the house. Thereafter, spread a fake news all around the village as if the petitioner's daughter had committed suicide. The 3rd respondent registered F.I.R. in Crime No.217 of 2018 under Section 174(3) of Cr.P.C. The 3rd respondent with an intention to safeguard the accused persons, failed to proceed and conduct the proper investigation as per the procedure established by law. The investigation in the crime committed is being done in

biased manner in order to save the skin of the real accused persons. Hence, the petitioner is before this court seeking appropriate relief.

3.The learned Additional Public Prosecutor would submit that after receipt of the RDO report and reports from other authorities, the F.I.R. was altered from 174(3) Cr.P.C. to offence under Section 498(a) and 304(b) IPC as against the accused persons. Now the 2nd respondent is investigating the matter.

4.Considering the submissions made by the learned Additional Public Prosecutor, this Court is not inclined to transfer the investigation. However, the 2nd respondent is hereby directed to complete the investigation and file a final report before the concerned jurisdictional Magistrate within a period of three months from the date of receipt of a copy of this order.

5.With the above direction, this Criminal Original Petition stands disposed of.

22.03.2019

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G.K.ILANTHIRAIYAN, J.

To.

1.The Superintendent of Police
Krishnagiri District
Krishnagiri

2.The Deputy Superintendent of Police
Hosur
Krishnagiri District

3.The Inspector of Police
Bagalur Police Station
Krishnagiri District
(Crime No.217 of 2018)

4.The Public Prosecutor
High Court of Madras



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