

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2018

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.26748 of 2018

M.Kanagaraj

...Petitioner

Vs.

1.The Commissioner of Police,
Commissioner Office,
Greater Chennai,
Vepery,
Chennai.

2.The Inspector of Police,
CBCID,
Chennai.

3.The Inspector of Police,
Otteri Police Station,
Pulianthope,
Chennai.

4. A.Anantharaj

...Respondents

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, seeking a direction, to withdraw the case in Crime No.140 of 2018 on the file of the third respondent and transfer the same to the second respondent as direct to complete the investigation and file the final report within stipulated period.

For Petitioner : M/s.D.Nagesh Babu

For Respondents : Mr.C.Raghavan
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed seeking for transfer the investigation pending in Crime No.140 of 2018,

on the file of the third respondent.

2. The learned counsel for the petitioner would submit that on 27.02.2018, the petitioner was informed that his sister was hospitalized for consuming poison and she is taking treatment at Kilpauk Medical College, Chennai. Thereafter, she was taken to the Appollo First Med Hospital, for further treatment. On 28.02.2018, the petitioner's sister died and immediately a complaint was given to the third respondent. However, the third respondent refused to entertain the complaint. Thereafter, an First Information Report was registered in Crime No.140 of 2018 on 01.03.2018 under Section 174 of Cr.P.C.

3. The learned Counsel for the petitioner would submit that the nature of the injuries that are sustained by the sister of the petitioner and which is revealed in the Postmortem Certificate issued by the Doctor on 01.03.2018, clearly shows that she has been attacked and the accused persons in order to cover up the crime, have manipulated the occurrence as if the petitioner's sister committed suicide. Therefore, the present petition has been filed seeking for transfer of investigation on the ground with the investigation has not been conducted properly.

4. It is seen from the records that the First Information Report was registered on 01.03.2018 under Section 174 of Cr.P.C. The learned Government Advocate would submit that the third respondent has also handed over the files to the Revenue Divisional Officer, Purasaivakkam, to conduct inquiry and till today, no report has been obtained from the Revenue Divisional Officer. The learned counsel would further submit that the investigation is pending and proper action will be taken by the third respondent in accordance with law.

5. When an First Information Report is registered under Section 174 of Cr.P.C., the entire procedure as contemplated under Section 174 of Cr.P.C. has to be duly complied with, since the death has happened in suspicious circumstances. A report has to be immediately called for from the Revenue Divisional Officer and the report given by the Revenue Divisional Officer should form part of the investigation and the same will also to be taken into consideration by the respondent Police in the course of investigation. In this case, the third respondent Police have not even received the Revenue Divisional Officer's report till date. Therefore, the petitioner was forced to approach this Court seeking for transfer of investigation. This Court is not happy in the manner in which the investigation is conducted in this case.

6. In the facts and circumstances of the case, there shall be a direction to the Assistant Commissioner of Police, Pulianthope, to monitor the investigation conducted by the third respondent. A copy of this order may be marked to the Assistant Commissioner, Pulianthope. The Assistant Commissioner shall ensure that the third respondent follows the entire procedure under Section 174 of Cr.P.C., and conducts an effective investigation in this case and alter the First Information Report if necessary and also file a final report as expeditiously as possible.

7.This Criminal Original Petition is disposed of with the above directions.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

kal/sbn

To

1.The Commissioner of Police,
Commissioner Office,
Greater Chennai,
Vepery, Chennai.

2.The Assistant Commissioner,
Pulianthope.

3.The Inspector of Police,
CBCID, Chennai.

4.The Inspector of Police,
Otteri Police Station,
Pulianthope,
Chennai.

5.The Public Prosecutor,
Madras High Court,
Chennai

+1 cc to Mr.D.Nagesh Babu, Advocate Sr.No.78937

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CSL/29.11.2018