

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 06.12.2018

CORAM
THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Cr1.O.P.No.28545 of 2018

Indirani

... Petitioner

Vs.

- 1.State rep by,
Inspector of Police,
Bagayam Police Station,
Vellore and District.
(Crime No.305/2018)
- 2.The Sub-Divisional Magistrate cum
Revenue Divisional Officer,
Satuvacheri, Vellore,
Vellore Taluk and District.
- 3.The Branch Manager,
State Bank of India,
Bagayam, opposite to CMC,
Vellore, Vellore Taluk and District.
- 4.The Branch Manger,
Indian Bank,
Near to Central Prison,
Thorapadi, Vellore,
Vellore Taluk and District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to issue direction to the respondents 1 and 2 either jointly or severally to make fair and proper investigation in connection with crime No.305 of 2018 dated 30/08/2018 from the file of first respondent police in accordance with law for alleged offence u/s 302 I.P.C.

For Petitioner : Mr.P.Ganapathy

For Respondents: Mr.M.Mohamed Riyaz (for R1)
Additional Public Prosecutor

O R D E R

This petition has been filed seeking for a fair investigation by the respondent Police in Crime No.305 of 2018, which has been registered under Section 174 of Cr.P.C.

2.The learned counsel for the petitioner would submit that the petitioner's brother died under suspicious circumstances on 30.08.2018 at about 8 a.m. According to the petitioner, an attempt has been made to project the death as if it happened through hanging and the real fact is that the brother of the petitioner was murdered. The learned counsel would further submit that even after registration of the FIR, the petitioner has given the name of the suspected persons to respondent police, and the respondent police neither altered the FIR nor have taken any effective steps to examine the witnesses and proceed further with the investigation. Left with no other alternative, the petitioner has approached this Court seeking for a direction to conduct a fair and proper investigation in the case.

3.The learned Additional Public Prosecutor would submit that the first respondent police is already investigating the case in accordance with the procedure stipulated under Section 174 of Cr.P.C. The learned counsel would further submit that the persons against whom the petitioner has raised suspicion, will also be subjected to enquiry during the investigation and if there are sufficient materials, the FIR will be altered by adding appropriate offences against the accused persons. The learned counsel would further submit that the report of the concerned RDO is awaited.

4.Considering the facts and circumstances of the case, this Court cannot issue any positive directions to the first respondent to alter the FIR immediately. The first respondent has to take into consideration the entire materials that are collected in the course of investigation. This Court, expects that the first respondent will conduct a fair investigation in this case.

5.This Criminal Original Petition is disposed of by giving liberty to the petitioner to approach this Court at a later point of time, if the petitioner finds that the case is not being properly investigated by the first respondent police.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

gsp/rm

To

1.The Inspector of Police,
Bagayam Police Station,
Vellore and District.

2.The Sub-Divisional Magistrate cum
Revenue Divisional Officer,
Satuvacheri, Vellore,
Vellore Taluk and District.

3.The Public Prosecutor,
High Court of Madras.

+1cc to Mr.P.Ganapathy, Advocate, S.R.No.84908

CrI.O.P.No.28545 of 2018

rrs 13/12/2018



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