



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2018

CORAM:

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

CRL.O.P. (MD) No.1856 of 2018

WEB COPY

P.Balamurugan

... Petitioner

-vs-

1. The State represented by
The Director General of Police,
Government of Tamilnadu,
Chennai.
2. The Superintendent of Police,
Tuticorin District,
Tuticorin.
3. The Deputy Superintendent of Police,
C.B.C.I.D.,
Tuticorin District.
4. The Inspector of Police,
C.B.C.I.D.,
Tuticorin, Tuticorin District.
5. The Inspector of Police,
Kayathar Police Station,
Kayathar,
Tuticorin District.

... Respondents

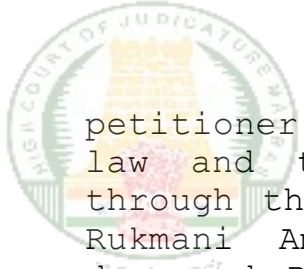
Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to transfer the investigation from the fifth respondent to third and fourth respondent herein or any other Investigating Officer not below the rank of Deputy Superintendent of Police and complete the investigation, within a stipulated time limit and lay final report.

For Petitioner : Mr.Gomathi Sankar
For Respondents : Mr.Prabu Ramachandran
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, to transfer the investigation from the fifth respondent to third or fourth respondent or any other Investigating Officer, not below the rank of Deputy Superintendent of Police.

<https://hcservices.courts.gov.in/hcservices/>
2. The learned counsel appearing for the petitioner has submitted that the deceased Parvathi, is the sister of the



petitioner's wife that on 28.01.2018, the petitioner's mother-in-law and the said Parvathi went to agricultural coolie work through the land of one Rukmani Ammal and at that time the said Rukmani Ammal warned the petitioner's mother-in-law and the deceased Parvathi not to enter into her lands and subsequently, the said Rukmani Ammal and her son and her husband came to the petitioner's mother-in-law's house and attacked the deceased Parvathi and also insulted the said Parvathi and due to the said insult, the deceased consumed poison and died. He further submitted that with regard to the aforesaid offences, the petitioner's mother-in-law has lodged a complaint before the fifth respondent on 29.01.2018, but, the fifth respondent instead of registering the case, under Section 302 I.P.C., he has registered the case under Section 306 I.P.C., and hence he requests this Court, to transfer the investigation to either the third respondent or the fourth respondent.

3.The learned Government Advocate (Crl.Side) has submitted that in the complaint given by the petitioner's mother-in-law itself it is specifically stated that her daughter Parvathi, consumed poison and died and hence the case has been properly registered under Section 306 I.P.C., and the investigation is in progress.

4.A perusal of the copy of the F.I.R. shows that the petitioner's mother in law, herself has stated that her daughter Parvathi has consumed poison. Further, in this petition also the petitioner has categorically stated that the said Parvathi has consumed poison due to insult caused the said Rukmani Ammal and her son and her husband and that being so, it appears that the fifth respondent has registered a case under proper Section. Further, according to the learned Government Advocate (Crl.Side) that the investigation is in progress. Therefore, at this stage, this Court cannot come to the conclusion that the said Parvathi was murdered. Only, after investigation, the fifth respondent can find the cause of death and file final report under proper provisions of law.

5.Therefore, I do not find any merit in the petition. Accordingly, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar(crl side)

/True Copy/

Sub Assistant Registrar

To

<https://hcservice@courts.gov.in/hcservice/> General of Police,
Government of Tamilnadu,
Chennai.



2. The Superintendent of Police,
Tuticorin District,
Tuticorin.

3. The Deputy Superintendent of Police,
C.B.C.I.D.,
Tuticorin District.

4. The Inspector of Police,
C.B.C.I.D.,
Tuticorin,
Tuticorin District.

5. The Inspector of Police,
Kayathar Police Station,
Kayathar,
Tuticorin District.

6. The Additional Public Prosecutor,
Madurai Bench of Madras High court,
Madurai.

+1cc to Mr.G.Gomathi Sankar, Advocate Sr.No.46822

SSS

VB/KKR/SAR4/07/03/2018/3P/8C

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