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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 19.01.2018

Delivered on : 13.03.2018

CORAM

THE HONOURABLE MR. JUSTICE P. RAJAMANICKAM

Crl.O.P. (MD) No.831 of 2018

V.Selvaraj

... Petitioner

-Vs-

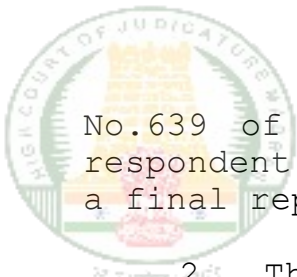
1. The Superintendent of Police,
Crime Branch Criminal Investigation Department,
(CBCID) South Zone,
Guindy, Chennai-32.
2. The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.
3. The Deputy Superintendent of Police,
Bazaar Police Station Limit,
Ramanathapuram District.
4. The Inspector of Police,
Crime Branch Criminal Investigation Department,
(CBCID), Ramanathapuram District.
5. The Inspector of Police,
Kenikkarai Police Station,
Kenikkarai,
Ramanathapuram District.

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the second respondent to transfer the investigation in Crime No.639 of 2017 on the file of the fifth respondent to the fourth respondent under the supervision of the first respondent and to file the final report.

For Petitioner : Mr.J.M.Hassanul Bazari
For Respondents : Mr.Prabhu Ramachandran
Government Advocate (Crl.Side)

O R D E R

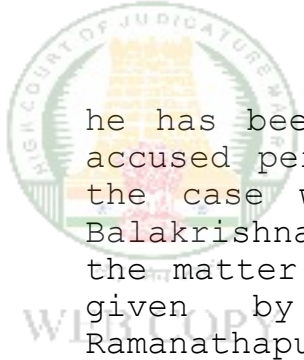


No.639 of 2017 from the file of the fifth respondent to fourth respondent under the supervision of the first respondent and to file a final report.

2. The learned counsel appearing for the petitioner has submitted that the petitioner's sister namely Muthammal got married to one Nagaraj and living in the same Village. Since there was a property dispute, both the family are not in talking terms and that being so, the son of the petitioner's, sister namely, Praveenkumar, proposed his love to the petitioner's second daughter Nishalini and the same was refused by her and she also informed the said fact to the petitioner and his son Vignesh. With regard to the said issue the petitioner's son Vignesh made a complaint before the Village headmen on 28.11.2017 and thereupon, a panchayat was convened, wherein the Village headmen asked Praveenkumar's family members to seek apology with the petitioner's daughter and also warned the said Praveenkumar not to indulge in such kind of activities. On 01.12.2017 at about 09.30 a.m., the petitioner went to attend the Village meeting and at that time, the petitioner's son Vignesh was present lonely in the petitioner's house and the petitioner returned back to his house at 12.30 p.m., and opened the door and he was shocked to see that his son Vignesh was found dead by hanging and immediately the petitioner had lodged a complaint before the fifth respondent and on that basis, the fifth respondent has registered a case in Crime No. 639 of 2017 under Section 174 of Cr.P.C.

3. Even though, the petitioner has stated in his complaint that the said Praveenkumar and his family members should have assaulted the petitioner's son and hanged him to death, the fifth respondent has purposely registered a case under Section 174 of Cr.P.C., with a view to help the accused persons to escape from the clutches of law. Hence, the petitioner and the Village people made a road roko and a complaint was also lodged before the second respondent on 04.12.2017. Immediately the second respondent directed the third respondent to investigate the matter and filed a correct report, but unmindful of the said direction, the third respondent simply based on the postmortem report, came to the conclusion that it is a case of suicide. The petitioner has also issued a legal notice to the third respondent on 12.12.2017 and even thereafter, the third respondent is colluding with the accused persons and safeguarding them and so far, no person was arrested and there is no progress in the investigation. The petitioner has also sent a complaint to the District Collector, Ramanathapuram District on 04.12.2017 and 15.12.2017 and also to the higher authorities, but even thereafter no proper action has been taken and hence, he requests this Court to direct the second respondent to transfer the investigation in Crime No.639 of 2017 from the file of the fifth respondent to fourth respondent and he also requests this Court to direct the first respondent to supervise the investigation.

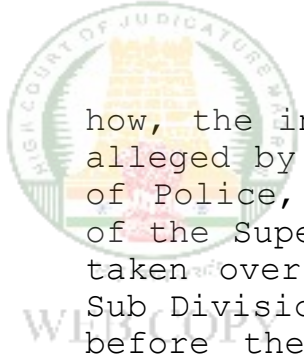
4. The learned Government Advocate (Crl.Side) has submitted that the allegations that the fifth respondent has registered a case and



he has been conducting the investigation with a view to help the accused persons are all false. He further submitted that in fact the case was registered by the Sub-Inspector of Police by name Balakrishnan and after registering the case, he only investigated the matter. He further submitted that based on the representation given by the petitioner, the Superintendent of Police, Ramanathapuram District (second respondent) by his proceedings dated 05.12.2017 directed Thiru.M.Nataraj, Deputy Superintendent of Police, Ramanathapuram District (third respondent) to investigate the matter. In pursuance of the said order Mr. M. Nataraj, Deputy Superintendent of Police, Ramanathapuram District, Sub Division has taken the case for further investigation and he has examined the witnesses and he has also submitted progress report and therefore the question of transferring the investigation from the fifth respondent to fourth respondent does not arise. The learned Government Advocate (Crl.Side) has produced the case Diary also.

5. A perusal of the case Diary shows that based on the complaint given by the petitioner herein, one Mr.Balakrishnan, Sub-Inspector of Police, has registered a case on 01.12.2017 in Kenikkarai Police Station, Ramanathapuram District, in Crime No. 639 of 2017 under Section 174 Cr.P.C and thereafter, he took the matter for investigation. He has conducted inquest and sent the dead body of the deceased Vignesh to the Government Head Quarters Hospital, Ramanathapuram District for postmortem. He also went to the place of occurrence and prepared a rough sketch and observation mahazer and also examined some of the witnesses and recorded statements under Section 161 (3) Cr.P.C. Whiles, on 05.12.2017, the Superintendent of Police, Ramanathapuram District (first respondent) has passed an order vide in C.No.58/Camp/SP-RM/2017 directing Thiru M. Natarajan, Deputy Superintendent of Police, Ramanathapuram District (Sub Division) to take a personal investigation of the aforesaid case and report progress at once. In pursuant to the said order, Thiru M.Natarajan, Deputy Superintendent of Police, Ramanathapuram Sub Division has taken the above case for investigation and he has inspected the place of occurrence and prepared observation mahazer and rough sketch and examined some of the witnesses and submitted a progress report to the second respondent on 08.12.2017. Thereafter, he has examined some other witnesses on 09.12.2017 and 10.12.2017 and also submitted progress reports to the second respondent on 09.12.2017 and 10.12.2017. Now, it appears that the Deputy Superintendent of Police, Ramanathapuram District, (Sub Division) / third respondent is awaiting for Chemical Report of vishara.

6.It is also to be pointed out that though the petitioner has stated in this petition in paragraph Nos.6 and 7 that the said Praveenkumar and his family members might have assaulted the deceased Vignesh and hanged him to death, in paragraph No.11, he has stated that the case was registered under Section 174 Cr.P.C. in stead of under Section 306 I.P.C. So, it appears that the petitioner himself admitted that his son committed suicide. Any



how, the investigation has not been done by the third respondent as alleged by the petitioner. Investigation was done by Sub-Inspector of Police, at initial stage and subsequently, as per the direction of the Superintendent of Inspector of Police, investigation has been taken over by the Deputy Superintendent of Police, Ramanathapuram Sub Division (third respondent) and now the investigation is pending before the third respondent only and therefore the petition for seeking transfer of investigation from the file of the fifth respondent to fourth respondent is itself misconceived and the same is liable to be dismissed.

7. In the result, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Crime Branch Criminal Investigation Department,
(CBCID) South Zone,
Guindy, Chennai-32.
 2. The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.
 3. The Deputy Superintendent of Police,
Bazaar Police Station Limit,
Ramanathapuram District.
 4. The Inspector of Police,
Crime Branch Criminal Investigation Department,
(CBCID), Ramanathapuram District.
 5. The Inspector of Police,
Kenikkarai Police Station,
Kenikkarai, Ramanathapuram District.
 6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- + 1 CC TO Mr.J.M.HASSANUL BAZARI, ADVOCATE IN SR No. 55553

GSP/IA

TE/SKN-RSK/SAR-1 : 26/03/2018 : 4P/8C