



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.08.2018

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P (MD) No.1522 of 2018

P.Vincent Koil Raja

... Petitioner

-Vs-

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The District Collector,
Tirunelveli District, Tirunelveli.

3.The Superintendent of Police,
Thoothukudi District,
Thoothukudi.

4.The Inspector of Police,
CBCID, Thoothukudi.

5.The Inspector of Police,
Sattankulam Police Station,
Thoothukudi District.
(In Crime No.343 of 2017)

... Respondents

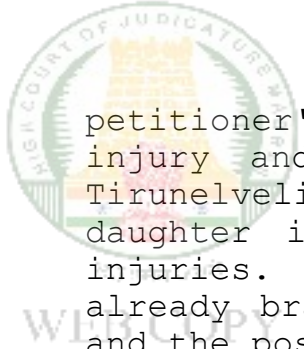
PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 3 to transfer the investigation of FIR in Crime No.343 of 2017, dated 12.10.2017 registered on the file of the fifth respondent Police to the fourth respondent Police and to complete the further investigation and file final report within the time stipulated by this Court.

For Petitioner	: Mr.P.M.Vishnuvarthanan
For Respondents	: Mr.B.Bhagawathi, Government Advocate.

ORDER

This Writ Petition has been filed for a direction to transfer the investigation in Crime No.343 of 2017, which is pending on the file of the fifth respondent Police.

2. The case of the petitioner is that his daughter was studying at Jayaraj Annabackiyam Engineering College and she was doing third year Engineering. On 11.10.2017, she got into the college bus enroute to the college. The petitioner received a phone call from the bus driver at about 08.00 a.m., to the effect that the



petitioner's daughter fell down from the running bus and sustained injury and she has been admitted in High Ground Hospital at Tirunelveli. The petitioner rushed to the hospital and he found his daughter in a pool of blood and she had sustained severe head injuries. The Doctors found that the petitioner's daughter is already brain dead. On 13.10.2017, the petitioner's daughter died and the post-mortem was also conducted on the same day.

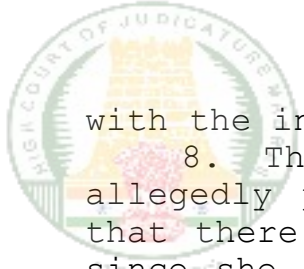
3. Thereafter, the fifth respondent Police registered an F.I.R based on the complaint given by the bus driver, in Crime No.343 of 2017 for an offence under Section 309 I.P.C. It is the case of the petitioner that thereafter there was absolutely no progress in the investigation and even the petitioner was not called for enquiry by the fifth respondent Police. It is under these circumstances, the present Writ Petition has been filed before this Court.

4. The fifth respondent has filed a status report, in which, it has been stated that even though an F.I.R was registered under Section 309 I.P.C., subsequently an altered F.I.R came to be registered under Section 174 of Cr.P.C on the ground of suspicious death and an R.D.O enquiry is pending. The fifth respondent has further stated in the status report that independently the police have also conducted investigation and have also examined some of the students, who travelled along with the petitioner's daughter, and taken statements from them. In the status report, it is further stated that the police is investigating the case from various angles and the investigation is pending. Till now, the police have examined more than 20 witnesses, which includes the inquest witnesses and the mahazar witnesses. After the post-mortem report, the viscera was sent for Chemical analysis and the Chemical Report is awaited. In the meantime, the fifth respondent has stated in the status report that the investigation will continue.

5. The learned Government Advocate, on instructions, would submit that the fifth respondent is trying to investigate the case from all angles and there is no ground made out for transferring the investigation.

6. The learned counsel for the petitioner would submit that the real intention of the petitioner in filing this Writ Petition is to know the exact reason as to why his daughter jumped out of the bus. The learned counsel made it clear that the petitioner had no intention to trouble any of the other students or to bring a bad name to the college. The whole purpose of this Writ Petition is only to know the cause of death of the petitioner's daughter.

7. On going through the entire records, it is found that the F.I.R continues to remain at the stage of investigation under Section 174 of Cr.P.C. The R.D.O, Thirucendur is conducting the enquiry as to the cause of the death, as contemplated under Section 174 of Cr.P.C. Parallely, the first respondent is also carrying on



with the investigation.

8. This is the case where the petitioner's daughter had allegedly jumped out of a moving bus. The petitioner would submit that there was no reason for his daughter to jump out of the bus, since she was not suffering from any mental depression. Therefore, the petitioner suspects that there is some foul play in the death of his daughter. As a father, the petitioner is anxious to know the real cause of death of his daughter. Therefore, he is knocking the doors of this Court in order to ensure that the investigation goes on in a proper manner and the culprits, if any, are brought to book.

9. This Court does not want to transfer the investigation at this stage. The R.D.O, Thirucendur, is already conducting the inquest and a report is awaited from the R.D.O as contemplated under Section 174 of Cr.P.C. The fifth respondent is also in the process of investigation, which is not satisfactory to the petitioner.

10. In order to strike a balance, the Writ Petition is disposed of with the following directions:-

"a) The R.D.O, Thirucendur, is directed to complete the inquest and submit a report within one month from the date of receipt of the copy of this order.

b) The third respondent, namely the Superintendent of Police, is directed to strictly monitor the investigation conducted by the fifth respondent.

c) The fifth respondent is directed to conduct the investigation and examine all the witnesses, who had travelled in the bus along with the petitioner's daughter, in order to find out the exact reason as to the manner in which the incident had happened, which had resulted in the death of the petitioner's daughter.

d) The third respondent, namely the Superintendent of Police, shall ensure that the fifth respondent completes the investigation as expeditiously as possible, not later than three months from the date of receipt of a copy of this order. The third respondent shall also ensure that whatever steps will have to be taken to bring the culprits on book should be done in the course of investigation and the fifth respondent has to take all efforts in order to find out the truth behind the death of the petitioner's daughter."

No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/



To

WEB COPY

- 1.The District Collector,
Thoothukudi District,
Thoothukudi.
- 2.The District Collector,
Tirunelveli District,
Tirunelveli.
- 3.The Superintendent of Police,
Thoothukudi District,
Thoothukudi.
- 4.The Inspector of Police,
CBCID,
Thoothukudi.
- 5.The Inspector of Police,
Sattankulam Police Station,
Thoothukudi District.
- 6.The Revenue Divisonal Officer,
Tirunelveli.

+1CC TO MR.P.VISHNUVARTHANAN, ADVOCATE IN S.R.NO.80701.
+1CC TO SPECIAL GOVERNMENT PLEADER IN S.R.NO.81308.

PS

DS SV SAR-4:25.09.2018: 4P/9C

W.P (MD) No.1522 of 2018
28.08.2018