



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2018

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.(MD)No.7052 of 2018

Pushpam ... Petitioner
-Vs-

- 1.The Superintendent of Police,
Dindigul District, Dindigul.
- 2.The Deputy Superintendent of Police,
Dindigul District, Dindigul.
- 3.The Inspector of Police,
Natham Police Station,
Dindigul District.
- 4.The Inspector of Police,
C.B.C.I.D. Dindigul District,
Dindigul.

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to transfer the investigation of the cases in Cr.No.171 of 2018 pending on the file of the 3rd respondent police to any other independent agency of C.B.C.I.D officer under the direct supervision of the respondents 1 and 2 and further to file the final report in the said case within a reasonable time period to be fixed by this Court.

For Petitioner : M/s.A.Arul Jenifer

For Respondents : M/s.S.Bharathi,
Government Advocate (Crl. Side)

ORDER

This petition has been filed for direction to transfer the investigation in Crime No.171 of 2018. It is the case of the petitioner that her husband was found missing from 07.03.2018 and on 10.03.2018, the petitioner lodged a man missing complaint before the third respondent. On 11.03.2018, the petitioner was informed that her husband died and his body is found in a well.

2.The third respondent registered an F.I.R in Crime No.171 of 2018, under Section 174 of Cr.P.C on the ground of suspicious death. The body of the petitioner's husband was also sent to post mortem and post mortem certificate was also given on 11.03.2018.



3. The learned counsel for the petitioner would submit that the post mortem certificate would reveal the fact that it is not a simple case of suicide. But the petitioner's husband has been attacked and thereafter has been thrown into the well. The counsel for the petitioner would further submit that her husband had some contact with another lady and the lady with her relative have committed this murder. The petitioner had sent a representation, dated 29.03.2018 to the second respondent explaining the entire facts and specifically naming the persons against whom the petitioner has suspicion. Even thereafter, another representation was given by the petitioner on 10.04.2018, to the first respondent, requesting for transferring the investigation to different agency, since the third respondent is not conducting the investigation in a proper manner.

4. The learned Government Advocate (Criminal Side) would submit that the third respondent is investigating the case from all angles and he has already examined eight witnesses. The learned Government Advocate (Crl. Side) would further submit that the third respondent will also take into account the representations made by the petitioner on 11.03.2018 and 29.03.2018 and investigate the case even as against the named persons. The learned Government Advocate would further submit that the third respondent is conducting the investigation in a proper manner and he does not have any bias against any one and as and when the petitioner gives any details to the third respondent, he will act upon it in the course of the investigation.

5. Recording the submissions made by the learned Government Advocate (Crl. Side), this Criminal Original Petition is disposed of with the direction to the third respondent to continue with the investigation and also investigate on the materials that have been placed by the petitioner by her representations, dated 11.03.2018 and 29.03.2018 and proceed to file a final report as expeditiously as possible.

Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The Superintendent of Police,
Dindigul District, Dindigul.

<https://hcservices.ecourts.gov.in/hcservices/>
2. The Deputy Superintendent of Police,
Dindigul District, Dindigul.



3.The Inspector of Police,
Natham Police Station,
Dindigul District.

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

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

TM

DS RP SAR-4 03.10.2018 3P/6C

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