

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 26.09.2018****CORAM:****THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH****Cr1.O.P. (MD) .No.5088 of 2016**

Vennila ...Petitioner / De facto Complainant
Vs.

- 1.The Director General of Police,
Director General of Police Office,
Chennai.
- 2.The Inspector General of Police,
Inspector General of Police Office,
Madurai.
- 3.The Superintendant of Police,
Dindigul District, Dindigul.
- 4.The State represented by
The Inspector of Police,
Kannivadi Police Station,
Dindigul (Crime No.99 of 2014)
- 5.The Inspector of Police,
CBCID, Dindigul District,
Dindigul.
- 6.The Deputy Superintendant of Police,
Nilakottai Taluk, Dindigul District,
Dindigul.

...Respondents / Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to transfer the investigation in Crime No.99 of 2014, dated 19.05.2014, pending on the file of the sixth respondent to the file of the fifth respondent and to complete the investigation within the stipulated period in the light of the petitioner's representation dated 20.06.2014.

For Petitioner :Mr.E.Somasundaram

For Respondents :Mrs.S.Bharathi
Government Advocate

O R D E R

This Criminal Original Petition has been filed seeking for transfer of investigation in Crime No.99 of 2014, which is



pending, on the file of the sixth respondent.

2. The petitioner is the mother of the deceased son. The petitioner's son died under mysterious circumstances on 19.05.2014 and the fourth respondent registered a case in Crime No.99 of 2014, under Section 174 Cr.P.C.

3. The petitioner was not happy with the manner in which, the investigation was carried on and therefore, approached this Court by filing Crl.O.P.(MD).No.18257 of 2014, seeking for transfer of investigation. This Court by an order dated 08.07.2015, directed the Superintendent of Police, Dindigul District, to transfer the investigation from the file of the fourth respondent to any other competent Officer under the control of the Superintendent of Police. Subsequently, the case was transferred to the file of the Deputy Superintendent of Police, Nilakottai Sub Division. The Deputy Superintendent of Police had conducted the investigation and no final report was filed, before the concerned Jurisdictional Court. On referring the CD file, it is seen that the Deputy Superintendent of Police had filed a final report before the learned Executive Magistrate. This final report is non-est in the eye of law, in view of the judgment passed by this Court in Crl.O.P.(MD).Nos.15515 and 11764 of 2017 and 11802 of 2018 dated 17.09.2018.

4. The petitioner in this case has given a representation dated 20.06.2014, to the Chief Minister's cell. In the said representation, the petitioner has expressed suspicion as against two accused persons to be the reason for the death of her son. According to the petitioner, the Deputy Superintendent of Police did not consider the representation made by the petitioner and did not investigate the case insofar as the suspected persons are concerned.

5. The learned counsel appearing for the petitioner would submit that the petitioner has lost her only son and therefore, she is anxious to know the real cause of the death of her son. According to the petitioner her son did not drown and he was done to death and thereafter, thrown into the river.

6. In view of the apprehension raised by the petitioner and in view of the fact that the incident is of the year 2014 and already this Court had directed the change of investigation, this Court is of the view that a higher official can be directed to continue the investigation and investigate the case with regard to the persons against whom, the petitioner has serious doubts.

7. For the reasons stated above, the Deputy Superintendent of Police, Nilakottai Taluk, is directed to hand over the entire CD file to the third respondent viz., the Superintendent of



Police, Dindigul District. The petitioner is directed to appear in person before the third respondent and represent her grievance. The petitioner is also entitled to give a representation in writing to the third respondent. The third respondent is directed to continue the investigation in line with the apprehension raised by the petitioner and conclude the investigation as expeditiously as possible. Ultimately, the aim of investigation is to bring out the real truth behind the mysterious death of the petitioner's son. The petitioner who lost her only son is knocking the doors of this Court in order to know the truth behind the death of her son.

8. In view of the above, the Deputy Superintendant of Police, Nilakottai Taluk, is directed to hand over the entire CD file to the third respondent within a period of two weeks from the date of receipt of copy of this order and the Superintendant of Police, Dindigul District, is directed to take over the investigation and receive the representation from the petitioner with regard to the apprehension raised by her and conclude the investigation as expeditiously as possible.

9. The Criminal Original Petition is disposed of with the above direction.

Sd/-

Assistant Registrar (Cri. Side)

// True Copy //

Sub Assistant Registrar (CS-III)

To

1. The Director General of Police,
Director General of Police Office,
Chennai.
2. The Inspector General of Police,
Inspector General of Police Office,
Madurai.
3. The Superintendant of Police,
Dindigul District, Dindigul.
4. The Inspector of Police,
Kannivadi Police Station,
Dindigul.
5. The Inspector of Police,
CBCID, Dindigul District,
Dindigul.



6.The Deputy Superintendant of Police,
Nilakottai Taluk, Dindigul District,
Dindigul.

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

+1 CC To MR.E.SOMASUNDARAM, Advocate SR. NO. 87411

Crl.O.P.(MD).No.5088 of 2016
26.09.2018

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