



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 20.11.2018

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA
CRL.O.P. (MD)No.11374 of 2018

WEB COPY

Sethu Ammal

.. Petitioner

Vs.

1. The Superintendent of Police
office of the District Superintendent of Police
Madurai district.

2. The Inspector of Police
Silaiman Police Station, Silaiman,
Madurai District.

.. Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the Respondents herein to alter the criminal case registered under section 174 of Cr.P.C. in Crime No.191 of 2018, on the file of the 2nd respondent to the offences under section 302 of Indian Penal Code and direct the Respondents to investigate the said criminal case in the manner known to law.

For Petitioner : Mr.K.R.Laxman

For Respondents : Mr.R.Anandaraj
Additional Public Prosecutor

ORDER

This Criminal original Petition has been filed seeking to alter the criminal case registered under section 174 of Cr.P.C in Crime No.191 of 2018 on the file of the second respondent to the offence under Section 302 of I.P.C and direct the respondents to investigate the said criminal case in the manner known to law.

2.The learned counsel appearing for the petitioner would submit that the deceased Mumoorthy is her son. He was working as a Head Constable in the State police department with pride, who had no liabilities and no sorrow and problems. He would further submit that on the information given by Vasuki wife of Mumoorthy regarding the death of her son, the case was registered under Section 174 of Cr.P.C. He would further submit that there are several suspicious with regard to the death of her son and that she had given a representation to the respondents seeking to register the case under Section 302 of IPC and conduct the investigation. He would further submit that it is a clear case of murder, whereas the respondents are bent upon projecting the case as a case of suicide. He would submit that thereby the petitioner had filed the petition on 03.07.2018 before this Court, whereas the respondents have hastily complete the investigation and filed the final report stating it is the case of suicide.



3.The learned Additional Public Prosecutor would submit that a fair investigation has been conducted and based on the Postmortem certificate issued by the doctor, the final report has been made ready stating that based on the doctor certificate, the case has been closed as it is a case of suicide and further action has been dropped. The final report has been filed before the Taluk Magistrate/Tahsildar, Madurai on 17.08.2018. Since the final report has been filed, the prayer sought for by the petitioner cannot be sustained before this Court.

4.As per the decision of this Court in *K.Sukumari Vs. State* made in *Cr1.O.P.(MD).No.19255 of 2016*, dated 18.09.2018, the respondents shall take return the final report from the file of the Taluk Magistrate and present it before the concerned Judicial Magistrate Court and the concerned Judicial Magistrate shall issue notice to the defacto complainant. The petitioner as mother of the deceased being an aggrieved party can if desired approach the concerned Court seeking relief in accordance with law.

5.With the above observation, this petition stands closed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1. The Superintendent of Police
office of the District Superintendent of Police
Madurai district.
2. The Inspector of Police
Silaiman Police Station, Silaiman,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.K.R.Laxman, Advocate Sr.No.96263

TM

KM/SKN/SAR3/11.12.2018/2P/5C

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