



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.[MD].No.15931 of 2018

Mariappan

...Petitioner/*De facto complainant*

Vs.

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

2.The State represented by
The Inspector of Police,
Chinnakovilankulam Police Station,
Chinnakovilankulam,
Tirunelveli District.
(Crime No.138 of 2018)

3.The Deputy Superintendent of Police,
CBCID, Perumalpuram,
Palayamkottai,
Tirunelveli District.

....Respondents/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C. to pass an order directing the case in Crime No.138 of 2018 on the file of the Inspector of Police, Chinnakovilankulam Police Station, Chinnakovilankulam, Tirunelveli District to be withdrawn and transfer to the third Respondent for further effective, sincere and unbiased investigation forthwith.

For Petitioner: Mr.S.Palani Velayutham

For R1 to R3 : Mr.S.Bharathi

Government Advocate

ORDER

The Criminal Original Petition has been filed to direct the respondents to pass an order directing the case in Crime No.138 of 2018, on the file of the Inspector of Police, Chinnakovilankulam Police Station, Chinnakovilankulam, Tirunelveli District to be withdrawn and transfer to the third Respondent for further



effective, sincere and unbiased investigation forthwith.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. side) appearing for the respondents.

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3. The petitioner is the father of the deceased son. According to the petitioner, the petitioner's son died under mysterious circumstances on 20.08.2018. The petitioner's son was aged about twenty years at the time of his death. Based on the complaint given by the petitioner, the second respondent had registered a First Information Report in Crime No.138 of 2018, under Section 174 Cr.P.C.

4. The learned counsel appearing for the petitioner would submit that the petitioner's son death is not natural and there is a suspicion behind the death. The learned counsel would further submit that there was love affair between the petitioner's son and one girl. The petitioner suspects that the girl's family is the reason behind his son's death. Even though the petitioner had informed about the same to the second respondent Police, no investigation has taken place on those lines.

5. The learned Government Advocate would submit that the case is at preliminary stage and the Police have taken steps to submit a report to the learned Executive Magistrate in order to conduct inquest. The learned Government Advocate would further submit that the second respondent has not received any representation from the petitioner with regard to the persons against whom the petitioner has suspicion.

6. In the facts and circumstances of the case, the petitioner is directed to give a representation to the second respondent with regard to his grievance and also appear in person before the second respondent. The second respondent shall take into consideration the representation and the grievance of the petitioner and also investigate the case as against the persons against whom the petitioner has suspicion. This Court is not inclined to grant the prayer sought for by the petitioner to transfer the investigation at this stage.

7. The Criminal Original Petition is disposed of with the above terms.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar (CS-I)



To

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

2.The State represented by
The Inspector of Police,
Chinnakovilankulam Police Station,
Chinnakovilankulam,
Tirunelveli District.

3.The Deputy Superintendent of Police,
CBCID, Perumalpuram, Palayamkottai,
Tirunelveli District.

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

+ 1 CC TO MR.S.PALANI VELAYUTHAM, ADVOCATE IN SR NO.82692

TSG

BU/SKN/SAR-I : 26.09.2018 : 3P/6C

Cr1.O.P.[MD].No.15931 of 2018
06.09.2018