



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED: 07.09.2018  
CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.(MD)No.16024 of 2018

WEB COPY

M.Kanagaraj

... Petitioner

Vs

- 1.The Director General of Police,  
Law and Order, Chennai.
- 2.The Additional Director,  
CBI/Central Bureau of Investigation,  
South Zone, Shastri Bhawan, Chennai.
- 3.The Superintendent of Police,  
Virudhunagar, Virudhunagar District.
- 4.The Inspector of Police,  
Soolakarai Police Station,  
Virudhunagar District.  
(Crime No.449 of 2017)

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to direct the first respondent to transfer the investigation of the case registered in Crime No.449 of 2017 on the file of the fourth respondent to the second respondent for investigation in accordance with law.

For Petitioner : Mr.K.Suresh Kumar

For R1, R3 & R4 : Mrs.S.Bharathi  
Government Advocate (crl.side)

### **ORDER**

This petition has been filed for a direction to the first respondent to transfer the investigation of the case registered in Crime No.449 of 2017 on the file of the fourth respondent to the second respondent.

2.The learned counsel for the petitioner would submit that the petitioner's son died on 22.09.2017 under suspicious circumstances. Therefore, an F.I.R was registered in Crime No.449 of 2017 on the same day under Section 174 of Cr.P.C.



3.The learned counsel for the petitioner would submit that the persons who were present along with the petitioner's son mixed alcohol in cool drinks and compelled him to take the same and thereafter, he died by drowning in a Well. The learned counsel for the petitioner further submitted that sufficient materials were provided to the police with regard to the involvement of six persons in the said crime. However, the respondent police have altered the charge sheet on 08.12.2017 by adding only one accused person for an offence under Sections 304 (2) and 202 IPC.

4.The learned counsel for the petitioner would submit that there are clenching materials by way of telephone calls, video and photo to show that six persons who were involved and are responsible for the death of the petitioner's son. Therefore, the learned counsel for the petitioner would submit that the case must be transferred to a different Investigating Agency.

5.The learned Government Advocate (Crl.side) appearing for the respondents would submit that the investigation was conducted thoroughly and the police investigated about the involvement of the six persons who were named by the petitioner and found that only one person was involved in the said offence. A further submission was made to the effect that the police completed the investigation and have also filed a final report before the Juvenile Justice Board, since the accused person is a minor.

6.The Juvenile Justice Board is yet to take cognizance of the final report filed by the respondent police. Therefore, the petitioner is entitled to file a protest petition and also place all the materials before the Court below in order to redress his grievance with regard to dropping of the names of five persons as accused persons in this case. The Court below has got sufficient jurisdiction to deal with the grievance of the petitioner.

7.This criminal original petition is disposed of with the above direction.

Sd/-  
Assistant Registrar(Co)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1.The Director General of Police,  
Law and Order, Chennai.

2.The Additional Director,  
CBI/Central Bureau of Investigation,  
South Zone, Shastri Bhawan, Chennai.



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

4.The Inspector of Police,  
Soolakarai Police Station,  
Virudhunagar District.

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

+1CC to Mr.K.Suresh Kumar, Advocate, SR.No.83080

CRL.O.P. (MD) No.16024 of 2018  
07.09.2018

RMI  
ES/PM/SAR 3/04.10.2018/3P/7C