



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 21.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE R.PONGIAPPAN

Crl.O.P. (MD) .No.15475 of 2013

WEB COPY

P.Thangabai

...Petitioner

Vs.

1.The Superintendent of Police,
Madurai.

2.The Deputy Superintendent of Police,
Crime Branch Criminal Investigation Department,
No.83, Vishalakshipuram III Cross Street,
Krishnapuram Colony, Madurai 625 014.

3.The Inspector of Police,
Othakadai Police Station,
Othakadai, Madurai District.

4.Selvaraj

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to direct the first respondent to transfer the case in Crime No.248 of 2013 on the file of the third respondent police to second respondent to investigate into the crime and to file the charge sheet against the fourth respondent within a period that may be stipulated by this Court.

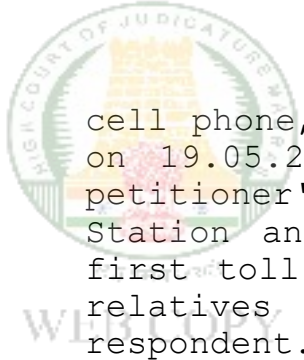
For Petitioner :Mr.G.Radhakrishnan

For R-1 to R-3 :Mr.A.Robinson
Government Advocate
(Crl.Side)

O R D E R

This petition has been filed to direct the first respondent to transfer the case in Crime No.248 of 2013 on the file of the third respondent police to second respondent to investigate into the crime and to file the charge sheet against the fourth respondent within a period that may be stipulated by this Court.

2.In order to substantiate the claim made by the petitioner, the learned counsel appearing for the petitioner submitted that on 13.05.2013, the fourth respondent had come to the house of the deceased and invited the deceased for driving the lorry. Since the request made by the fourth respondent was rejected by the deceased, the deceased was forcibly took away the fourth respondent. After four days, when the petitioner contacted the deceased through her



cell phone, the deceased did not attend the phone call. Thereafter, on 19.05.2013 at 4.00 p.m., one phone call was received by the petitioner's son from the policemen attached with Othakkadai Police Station and was intimated that one dead body was found near the first toll gate in Ring Road. Immediately, the petitioner and her relatives rushed to Madurai and lodged a complaint to the third respondent. Thereafter, after completing the formalities, the dead body was handed over to the petitioner.

3. According to the petitioner, the third respondent herein colluded with the fourth respondent, had not conducted any enquiry based on the complaint given by the petitioner's father-in-law. Meanwhile, after receiving the inquest report, the third respondent registered the F.I.R., and refused to alter the sections of law.

4. Now considering the submissions made by the learned counsel appearing for the petitioner, it would be necessary to see the postmortem certificate and final opinion given by the doctor. According to the final opinion as well as the particulars available in the postmortem report, no indication was available for creating prima facie case with regard to the said allegation. As per the final report, the death of the deceased was caused due to heavily injured in cerebrum. Now, applying the reasons stated by the Doctor in the final report with photographs submitted by the petitioner as well as the inquest report and rough sketch, it would seem that before the death, the deceased fell down from the bridge and subsequently his head collided with stones found in that place.

5. In the above circumstances, this Court cannot assume that the reason stated in the final opinion is a false one. Except the reason stated above, the learned counsel appearing for the petitioner does not say anything in respect of the claim made through this petition. Thereby, the petitioner has not indicated any evidence to substantiate and to believe that the third petitioner herein is colluded with the fourth respondent and had not conducted the investigation properly.

6. Therefore, for the reasons stated above, this Court is not inclined to entertain this petition. The criminal original petition is liable to be dismissed and the same is accordingly, dismissed.

Sd/-

Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Madurai.

<https://hcservices.ecourts.gov.in/hcservices/>

2. The Deputy Superintendent of Police,
Crime Branch Criminal Investigation Department,



No.83, Vishalakshipuram III Cross Street,
Krishnapuram Colony, Madurai 625 014.

3.The Inspector of Police,
Othakadai Police Station,
Othakadai, Madurai District.

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

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MSA
KK/SKN RSK/SAR-/16.04.2018/3P-5C