

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 10.01.2018****CORAM:****THE HONOURABLE MR. JUSTICE R.PONGIAPPAN****Cr1.O.P. (MD) No.4208 of 2013**

T.Jeevi Jega

... Petitioner

Vs.

1. The Superintendent of Police,
Kanyakumari District,
Nagercoil.

2. The Inspector of Police,
Karungal Police Station,
Karungal,
Kanyakumari District.

3. The Inspector of Police,
Marthandam,
Marthandam Police Station,
Kanyakumari District.

4. Kodilingam
5. Ragurajan
6. Charles Kalaimani
7. R.Balasundaram
8. Aruldoss

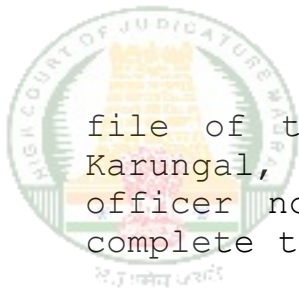
... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to issue a direction to the respondent police to transfer the investigation of the case in Crime No.574 of 2011 pending on the file of the second respondent, namely Karungal Police Station, Karungal, Kanyakumari District to some other independent agency or officer not below the rank of Superintendent of Police and to complete the same and to file a final report.

For Petitioner : Mr.N.Dilip Kumar
For RR 1 to 3 : Mr.K.Suyambulinga Bharathi,
Government Advocate (Cr1.Side)

ORDER

This Criminal Original Petition has been filed seeking to issue a direction to the respondent police to transfer the investigation of the case in Crime No.574 of 2011 pending on the



file of the second respondent, namely Karungal Police Station, Karungal, Kanyakumari District to some other independent agency or officer not below the rank of Superintendent of Police and to complete the same and to file a final report.

2.The learned counsel appearing for the petitioner submitted that the petitioner herein is the wife of the deceased and she gave a complaint against the accused persons in Crime No.574 of 2011, on the file of the Inspector of Police, Karungal Police station. Since no effective action is initiated by Karungal Police in connection with the suspected murder of her husband, she has filed this petition seeking to transfer the investigation.

3.The learned Government Advocate (Criminal Side) appearing for the State filed a status report disclosing the facts, as on date.

4.Admittedly, the case is registered in the year 2011. Now, the status report filed by the second respondent discloses that after registration of the case, seven witnesses were examined and their statements were also recorded under Section 161(3) Cr.P.C. Thereafter, the body of the deceased was sent to the post mortem and finally, found out that the death to the deceased was caused only by consuming poison, due to which, the second respondent closed the case as "action dropped". Under these circumstances, the learned counsel appearing for the petitioner does not elicit any suspicious ground found in the manner of investigation conducted by the Investigating Officer.

5.During the time of investigation, it is identified that the husband of the petitioner is having some dispute with John, S.Jerome and S.Joseph with regard to the ancestral property, for which, a suit has been filed in this regard and the same has been ended against the deceased. So, it is automatic on the part of the deceased to the level of subjugation. In the above situation, the story putforth by the petitioner has not created any reliable doubt in the process of investigation. Hence, this Court comes to the conclusion that transferring the Investigating Agency is not necessary.

6.Accordingly, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar



To

1. The Superintendent of Police,
Kanyakumari District,
Nagercoil.

2. The Inspector of Police,
Karungal Police Station,
Karungal,
Kanyakumari District.

3. The Inspector of Police,
Marthandam,
Marthandam Police Station,
Kanyakumari District.

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

+1cc to Mr.N.Dilip Kumar, Advocate Sr.No.41582

CP/PS

VB/KK/SAR2/25/01/2018/3P/6C

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10.01.2018