

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2019

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.10572 of 2012

T.Akila

..Petitioner

Vs

- 1.The State of Tamil Nadu
Rep.by the Secretary,
Home Department,
Fort St.George, Madras - 9.
- 2.The Director General of Police,
Mylapore, Chennai - 4.
- 3.The Additional Director General of Police,
Central Crime Branch, Chennai - 32.
- 4.The Inspector General of Police,
Central Circle,
Subramaniapuram, Thiruchirapalli.
- 5.The Deputy Inspector General of Police,
Thiruchirapalli.
- 6.The Superintendent of Police,
Perambalur District, Perambalur.
- 7.Mr.Boominathan,
The Sub-Inspector of Police,
Maruvathur Police Station,
Perambalur District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking issuance of a writ of mandamus, directing the respondents 1 to 6 to initiate action on the complaint given by the petitioner on 24.05.2011, 14.06.2011 and 17.08.2011.

For Petitioner :Mr.V.Bhiman

For Respondents :Mr.I.Sathish

Additional Government Pleader
for R1 to R6

No appearance for R7

O R D E R

Heard Mr.V.Bhiman, learned counsel for the petitioner, Mr.I.Sathish, learned Additional Government Pleader for the respondents 1 to 6 and perused the materials available on record. Despite service of notice on the seventh respondent and his name being printed in the cause list, there is no appearance either in person or through counsel.

2. This writ petition has been filed for issuance of a writ of mandamus, directing the respondents 1 to 6 to initiate action on the complaints given by the petitioner on 24.05.2011, 14.06.2011 and 17.08.2011, respectively.

3. The case of the petitioner is that her husband was a close friend of one Prabakaran and on 11.5.2011, the said Prabakaran compelled her husband to consume liquor and then took him in an Auto, during night hours. Subsequently, there was a wordy quarrel between the petitioner's husband and the said Prabakaran and eventually, he was found dead on 12.05.2011 at 8.30 am. The petitioner would further allege that her husband was beaten and thrown into a thorny bush by the said Prabakaran and one Baskaran, which is known to one Chinnasamy S/o.Maruthamuthu and others. Aggrieved over the registration of the case under Section 174 Cr.P.C., the petitioner has given representations on 24.05.2011, 14.06.2011 and 17.08.2011, respectively. Since no action was taken, this writ petition.

4. In the counter affidavit filed by the seventh respondent, it is stated that the case was registered in Crime No.74 of 2011 under Section 174 Cr.P.C on 13.05.2011 and a copy of the First Information Report was sent to the Inspector of Police, Padalur for investigation. After examining more than eight witnesses, the Inspector came to know that the deceased is a habitual drunkard and he died due to over consumption of liquor and fallen down on the earth. The investigating officers also conducted spot inspections. It is further stated that the Doctor, who conducted postmortem opined that injury to brain could have occurred due to fallen on the earth and consumed heavy liquor at the time.

5. The learned Additional Government Pleader appearing for the respondents 1 to 6 would submit that as per the order of the Superintendent of Police, Perambalur District the investigation was conducted in accordance with law and a report was also filed before the Tahsildar under Section 174 of Cr.P.C and the same was accepted. It is further submitted that the complaint preferred by the petitioner before the Human Rights Commission was also dismissed.

6. It is the submission of the learned counsel for the petitioner that the external injuries in the body of the deceased, supports the case of the petitioner and belies the stand of the respondent. It is further stated that the death could not occur due to the deceased falling down on the earth.

7. I am not agree with the submissions made by the learned counsel for the petitioner. Perusal of the postmortem report certificate reveals that the deceased sustained abrasions and laceration over the Occipital region and he was heavily drunk at the time of occurrence. Hence, this Court is of the considered opinion that the petitioner has not made out any case for transfer of the investigation to the CBCID.

8. For the foregoing reasons, this Writ Petition fails and the same is dismissed. No costs.

-s/d-

Assistant Registrar (CCC)

True Copy

Sub-Assistant Registrar

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To

1. The Secretary,
The State of Tamil Nadu,
Home Department,
Fort St. George, Madras - 9.
2. The Director General of Police,
Mylapore,
Chennai - 4.
3. The Additional Director General of Police,
Central Crime Branch,
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Central Circle,
Subramaniapuram,
Thiruchirapalli.

5.The Deputy Inspector General of Police,
Thiruchirapalli.

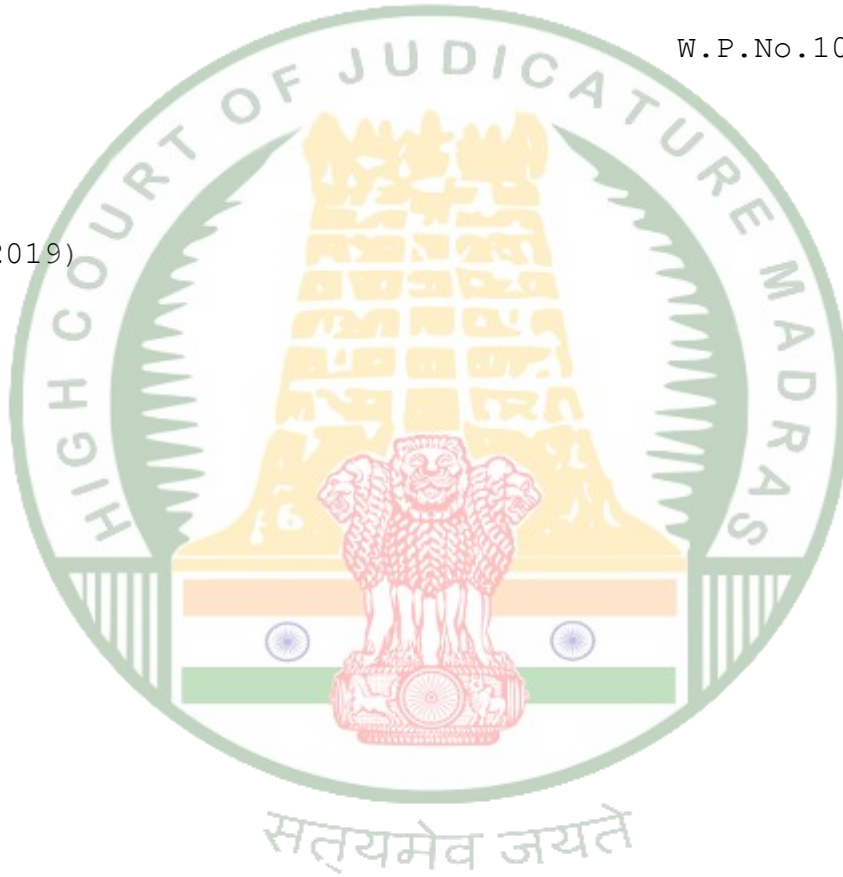
6.The Superintendent of Police,
Perambalur District,
Perambalur.

+1 CC to Mr.V.Bhiman Advocate sr 64982.

+1 CC to Govt. Pleader sr 65037.

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CA(CO)
SP(17/09/2019)



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