

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.7015 of 2018

A.Selvi

... Petitioner

Vs.

1.State Rep. by  
Superintendent of Police  
District Police Office  
Villupuram

2.Deputy Superintendent of Police  
Camp Office, Santhapettai  
Thirukoilur Sub-Division

3.The Inspector of Police  
Sankarapuram Police Station  
Villupuram District

4.Sub-Inspector of Police  
Vadaponparappi Police Station  
Villupuram District

....Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to direct the 2<sup>nd</sup> respondent to entrust the investigation and submit the final report on the supervision of concerned jurisdictional Magistrate in accordance with law in Crime No.349 of 2017 on the file Sub-Inspector of Police, Vadaponparappi Police Station, within stipulated time may be fixed by this Court.

For Petitioner : Mr.J.Agni Selvaraju

For Respondents: Mr.M.Mohamed Riyaz  
Addl. Public Prosecutor

## ORDER

The Criminal Original Petition has been filed by the petitioner to direct the 2<sup>nd</sup> respondent to entrust the investigation and submit the final report on the supervision of concerned jurisdictional Magistrate in accordance with law in Crime No.349 of 2017 on the file Sub-Inspector of Police, Vadaponparappi Police Station, within stipulated time may be fixed by this Court.

2.The learned counsel for the petitioner would submit that the deceased is her husband, aged about 35 years. The 4<sup>th</sup> respondent police called the deceased for enquiry and beaten him due to which he sustained serious injury all over the body. On 18.11.2017, the respondent police came to the house of the deceased. The petitioner and her relatives were under the impression that her husband was under the custody of the 4<sup>th</sup> respondent. On 19.11.2017, they came to know that the body of her husband found in the well. The deceased knew swimming very well and he was with good mental ability. The contents of the FIR are false and the Sub Inspector Mr.Gunasekaran and Subramanian (Ex-Village President) have motivated the real culprits to escape from the clutches of law. No action has been taken against the accused in accordance with law. They have not mentioned any physical injuries found on the dead body in the death certificate. As per the post mortem report No.189/17 dated 20.11.2017, the doctor in his external examination found bleeding from the left ear and in the external injuries found an abrasion over the right and left eyelid region 3 x 2 cm. And a lacerated wound 2 x 1 x 1 cm at left forehead. The doctor in his internal examination stated as Brain-Extramural haemorrhage around 50 ml present over left temporo-occipital region. Even after continuous approaching of the respondent police, they have not initiated any further action. Hence, this petition.

3.The learned Additional Public Prosecutor would submit that the 3<sup>rd</sup> respondent has completed the investigation and closed the Crime No.349 of 2017 as action dropped on 29.04.2018. They have also served the referred charge sheet to the petitioner.

4.Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor.

5.Though, this Court has repeatedly directed the 3<sup>rd</sup> respondent police to file a final report before the concerned Jurisdictional Magistrate, they have not filed the same. Further, the learned counsel for the petitioner would submit that no referred charge sheet was served on them and no copies of the post mortem and chemical reports were furnished to the petitioner.

6.Considering the facts and circumstances of the case, the 3<sup>rd</sup> respondent is directed to serve the referred charge sheet to the petitioner along with all the reports i.e. chemical analysis and post mortem report conducted on the deceased and file a final report before the Judicial Magistrate, Sankarapuram within a period of two weeks from the date of receipt of a copy of this order. The petitioner on receipt of such referred charge sheet is at liberty to file a protest petition before the concerned Judicial Magistrate.

7.With the above direction, this criminal original petition stands disposed. of.

Sd/-

Assistant Registrar(AD IV)

//True Copy//

Sub Assistant Registrar

To

1.The Superintendent of Police  
District Police Office  
Villupuram

2.The Deputy Superintendent of Police  
Camp Office, Santhapettai  
Thirukoilur Sub-Division

3.The Inspector of Police  
Sankarapuram Police Station  
Villupuram District

4.The Sub Inspector of Police,  
Vadaponparappi Police Station,  
Villupuram.

5.The Public Prosecutor,  
High Court, Madras.

+1cc to Mr.J.Agniselvaraju, Advocate Sr.39454

Cr1.O.P.No.7015 of 2018

ln[co]  
srg 30/05/2019