

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.1688 of 2019
and Crl.M.P.No.1062 of 2019

Lakshmi

...Petitioner

Vs.

1.The State of Tamil Nadu,
represented by the Commissioner of Police,
Vepery, Chennai-600 007.

2.The Deputy Commissioner of Police
Mylapore Division,
Chennai-600 004.

3.The Inspector of Police,
E-1, Mylapore Police Station
Chennai-600 004.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the first and second respondents to transfer the investigation of the case related to the murder of petitioner's son Vijay in Crime No.632 of 2018 on the file of the 3rd respondent to some other investigation agency which is competent enough to investigate the matter.

For Petitioner : Mr.C.K.M.Appaji

For Respondents: Ms. S. Thankira

Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed seeking for a direction to the first and second respondents to transfer the investigation in Crime No.632 of 2018, on the file of the third respondent to some other investigation agency.

2. It is seen from the status report filed by the third respondent, the third respondent arrested A1 to A5 and A8 on 15.12.2018 and recorded their confession statement in the

presence of witnesses and also remanded them to judicial custody and further, submitted that during the course of investigation A6 and A7 voluntarily surrendered before the Madurai Court and XVIII Metropolitan Magistrate Court, Saidapet, Chennai respectively. The A-9 Mr.Murugan filed Anticipatory Bail petition before the Principal Sessions Court and the Honourable High Court, both the petitions were dismissed. It is also revealed that the confession statement of the other accused persons and CCTV footages collected from the place of occurrence, the third respondent altered the offence under sections 302, 147, 148, 342 and 302 IPC on the same day.

3. It is also seen that the case is under investigation, still the third respondent has to examine other persons. To implead the other accused persons and also they have to collect forensic report from the Forensic lab. under this circumstances, if the investigation is transferred from third respondent to other investigation agency, the entire investigation would be affected.

4. Therefore, this Court is not inclined to transfer the investigation from the third respondent to any other investigating agency. However, the case is very serious in nature since, the accused persons who are attacked the deceased in public place and murdered him. Therefore, the second respondent is directed to monitor the investigation of the third respondent and the third respondent is directed to complete the investigation on the strength of the representation submitted by the petitioner dated 10.12.2018 and file a final report within a period of three months from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition is disposed of. Consequently, connected miscellaneous petition is also closed.

सत्यमेव जयते
Sd/-

Deputy Registrar

//True Copy//

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Sub Assistant Registrar

mpa/rpl

To

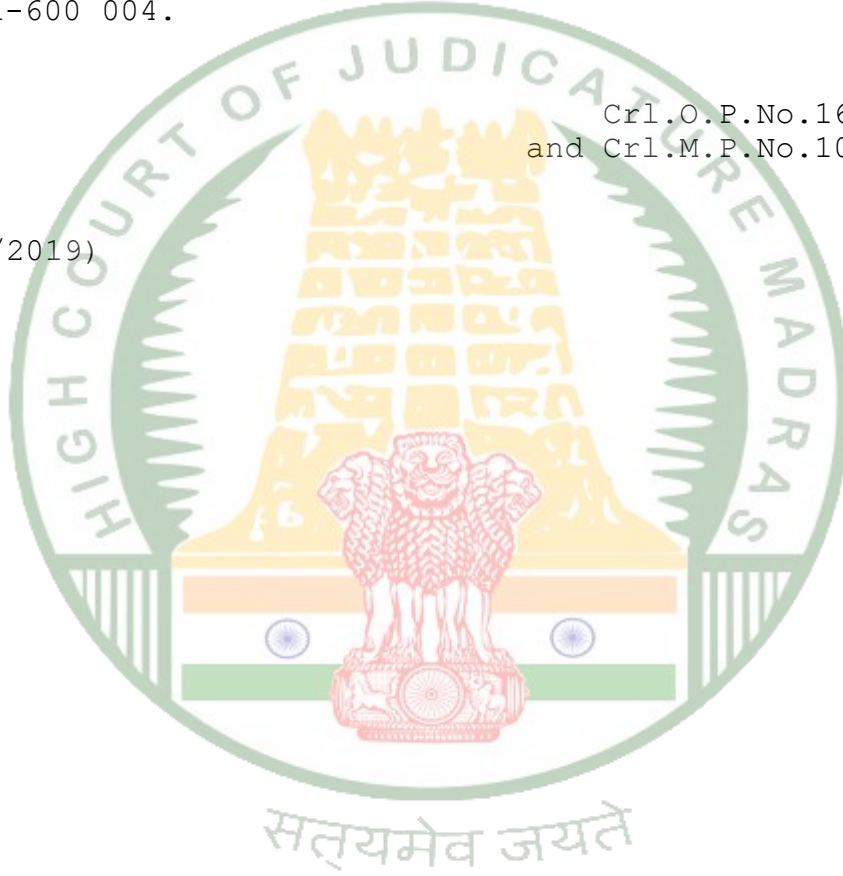
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GN(19/02/2019)



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