

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 29.04.2019
CORAM:
THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN
Crl.O.P.No.9233 of 2019

1.Uma Maheswari

2.Kavitha ... Petitioner

Vs.

1.The Commissioner of Police,
Chennai.

2.The State represented by,
Station House Officer,
H-1 Washermanpet Police Station,
Chennai.
(Cr. No.845 of 2015)

3.The Inspector of Police,
CB-CID, Chennai. ... Respondents

Prayer : Criminal Original Petition filed under section 482 of Criminal Procedure Code, to pass an order directing for withdrawal of the case in Crime No.845 of 2018, from the file of the 2nd respondent herein and entrust the same to CBCID or any other independent agency for further investigation and filing of final report before the jurisdictional Court within a specified period.

For Petitioners : Mr.D.Baskar

For R1 to R3 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

सत्यमेव जयते
O R D E R

This Criminal Original Petition has been filed to withdraw the case in Crime No.845 of 2018, from the file of the 2nd respondent and entrust the same to CBCID or any other independent agency for further investigation.

2.It is seen that the petitioners and one Saranraj are the daughter and son of one Munusamy. On 26.11.2017, the said Munusamy died and leaving behind the petitioners and his son Saranraj as his legal heirs. While so, on the death of the said Munusamy, his son Saranraj obtained signature from the petitioners for getting the death benefit of deceased Munusamy in his name. Accordingly, a huge amount of money were credited

in the saving bank account of Saranraj. On 12.09.2018, Saranraj died intestate. However, one Sumathi, who claims that she is the legally wedded wife of Saranraj and also approached the Tahsildar, Tondiarpet to get the legal heirship certificate and given complaint before the 2nd respondent. Based on which, the 2nd respondent registered an F.I.R in Crime No.845 of 2018 under Section 174 of Cr.P.C.

3.In these circumstances, the petitioners have taken steps before the appropriate forum and also suspicion over the death of Saranraj, they approached the 2nd respondent, who refused to consider the materials and documents submitted in support of their contention. Therefore, the petitioners filed this petition for seeking appropriate direction.

4.Considering the facts and circumstances, this Court is not inclined to order transfer of investigation. However, the 2nd respondent is directed to complete investigation in Crime No.845 of 2018 and file a final report within a period of three months from the date of receipt of a copy of this order, after giving opportunity to both the parties and after recording evidence.

Sd/-

Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

vv2

To

1.The Commissioner of Police,
Chennai.

2.The State represented by,
Station House Officer,
H-1 Washermanpet Police Station,
Chennai.

3.The Inspector of Police, CB-CID, Chennai.

4.The Public Prosecutor, High Court, Madras.

+1 cc to Mr.D.Baskar, Advocate SR.No.41787

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CSL/11.07.2019