

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.14295 of 2019

R. Anjammal

... Petitioner

Vs.

1. The Superintendent of Police,
Nagapattinam District, Nagapattinam.

2. The Inspector of Police,
Thiruvankadu Police Station,
Nagapattinam District.

... Respondents

PRAYER: This Criminal Original petition is filed under Section 482 of Cr.P.C., directing the respondents to alter the FIR in Crime No.17 of 2019 in respect of the offence as under Section 302 of IPC instead of 306 of IPC and to include the accused persons namely 1) Karnan, 2) Nilavan and 3) Murali along with other accused persons and to file a final report in a manner to law.

For Petitioner : Mr.C.Prabhakaran

For Respondent-1 : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

This petition has been filed seeking for transfer of investigation conducted by the 3rd respondent in Crime No.17 of 2019.

2. The second respondent who has conducted the investigation has filed a status report before this Court. It will be relevant to extract the status report for better appreciation:

3. I submit that the brief facts of the complaint is that the defacto complainant / petitioner / Tmt.Anjammal has stated that she is a resident of Nagapattinam District and having two sons and one daughter and both the sons were working at Singapore and her elder son returned to India. While being so, her son brought costly I- Phone and gave it to one Jayasini as gift. 20 days ago, when the same was known to father of Jayasini and his brothers, tied him on Electricity Post and have beaten her son, so he caused blood injury and

rescue her son and decided to go to police Station, but A1 to A6 and other villagers asked her and her son in front of Panchayatara and warned and instructed to pay a fine of Rs.60,000/- and the same was paid by her. Later she has warned in front of Panchayatara, that if his son is having relationship with Jayasini, they will be punished by sending them out from their village. Meanwhile on 05.02.2019, K.P. Raja is one of the Panchayatar, in the said capacity with the inducement of him, pressurized one Surya to inform that her son Raja, burnt the two wheeler belonging to brother of K.P.Madhavan and lodged complaint against Raja. Subsequently she stated that on 06.02.2019 at early hours, none of them available in her house, K.P.Raja and his 5 brothers having pre-enmity with Raja beaten and murdered his son and hanged him their residence. Hence this complaint.

4. I submit that based on the said complaint, a case was registered in Thiruvankadu PS Cr.No. 17/2019 u/s 174 Cr.P.C by Tr.Mohanrajan, the then Special Sub Inspector of Police on 07.02.2019 at 12.00 hours and submitted the same to Tr.Singaravelu, the then Inspector of police for investigation.

5. I submit that the then Inspector of police has visited to the scene of occurrence and prepared a rough sketch and observation mahazar in the presence of the witnesses, and recorded their statements.

6. I submit that, the then Inspector of police conducted preliminary investigation and thereafter examined the witnesses and recorded their statements:

(i) Tmt. Anjammal.
(ii) Tr.Anbu; (iii) Tr.Manian (iv)
Tr.Kalimuthu; (v) Tr.Kumar and
Tr.Senthil- Neighbours of defacto
complainant.

7. I submit that based on the witnesses statement, the then Inspector of police altered the Section into "306" IPC and fixed Accused as K.P.Raja/A1; Jayakumar/A2; Madhavan/A3; Neelavan/A4; Karnan/A5 and Murali/A6. The then

Inspector of police has arrested A1 to A3 and they have remanded to judicial custody. Later based on the investigation, he deleted the Ka4 to A6 were not arrayed as an accused.

8.I submit that on perusal of records, I have sent the viscera samples to Regional Forensic Scientific Laboratories, Thanjavur for chemical analysis. On receipt of the same I have to obtain Analysis Report and also final opinion from Post mortem Doctors and to record the statements from them.

3. Heard the learned counsel for the petitioner and the learned Additional public prosecutor appearing on behalf of the respondent/police.

4. It is clear from the status report that the investigation is proceeding satisfactorily and there is no ground to interfere with the same at this stage. According to the learned counsel for the petitioner, it is a case of murder and that the F.I.R continues to show the offence under Section 306 of I.P.C.

5. The Viscera report and the final opinion of the Doctor is awaited and only after the same is received, the respondent police will be able to take a decision with regard to the offence that is going to be shown in the final report. Therefore, it is too premature to interfere with the investigation at this stage.

6. In the result this Criminal Original petition is disposed of with a direction to the second respondent to continue further with the investigation effectively and file a final report by showing the proper offence against the accused persons, as expeditiously as possible.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To.

- 1.The Superintendent of Police,
Nagapattinam District, Nagapattinam.
- 2.The Inspector of Police,
Thiruvankadu Police Station,Nagapattinam District.

+1cc to Mr.C.Prabakaran, Advocate Sr.No.56840

AKM/ 28.08.19/ 3P-4C /

CrI.O.P.No.14295 of 2019