IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.18047 of 2019

D.Kirubavathi ...Petitioner

Vs.

1. The Director General of Police,
   O/o the Director General of Police,
   Dr.Radha Krishnan Salai,
   Mylapore, Chennai - 600 004.

2. The Inspector General of Police,
   Vellore Zone, Vellore.

3. The Superintendent of Police,
   O/o the Superintendent of Police,
   Tiruvannamalai District.
   Tiruvannamalai.

4. The Deputy Superintendent of Police,
   O/o the Superintendent of Police,
   Tiruvannamalai District.
   Tiruvannamalai.

5. State Rep. by,
   The Inspector of Police,
   Tiruvannamalai Police Station,
   Tiruvannamalai District. ....Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the respondents 1 to 4 herein to transfer the investigation of the case in Crime No.547 of 2019 dated 11.06.2019, which is pending with the 5th respondent to some other investigation agency especially C.B.C.I.D. or any other independent Investigation Agency and file final report within the stipulated time as fixed by this Court.

For Petitioner : Mr.S.Kumara Devan
For Respondents : Mr.C.Raghavan
Government Advocate

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ORDER

This petition has been filed seeking for the relief of transfer of the investigation in Crime No.547 of 2019, pending on the file of the 5th respondent.

2. The grievance of the petitioner is that her son died in suspicious circumstance and the petitioner has specifically given the names of two persons who are suspected to have caused the death of the petitioner's son. The respondent police is not carrying on with the investigation in an effective manner and therefore the present petition has been filed.

3. The investigating officer has filed the status report before this Court. The relevant portions of the status report is extracted hereunder:

> 5. I submit that the Sub Inspector of Police has visited to the scene of occurrence and prepared a rough sketch and observation mahazer in the presence of the witnesses by name Tr.Venkatesan and Tr.Rangan and recorded their statements.
>
> 6. I submit that Sub then Inspector of Police conducted preliminary investigation in the presence of panchayatars and thereafter examined the following witnesses and recorded their statements:
>
> (i) Tmt.Kirubavathi- Defacato complainant/Mother of deceased
>
> (ii) Tr.Balaji (iii) Tr. Vignesh babu- brothers of deceased/Sons of PWI
>
> (iv) Tr.Hayad Bazah — Friend of deceased
>
> (v) Tmt. Rajeswar- Wife of deceased
>
> 7. I submit that on 11.06.2019, after completion preliminary investigation conducted over the deceased, the deceased sent to Government Medical college Hospital along with requisition letter for conducting Postmortem over the deceased.
>
> 8. I submit that have to take the following efforts to complete the investigation
>
> i. to examine some more vital Witnesses to unearth

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real facts

ii.to array accused if any, has involved in this case

iii.to collect postmortem report and examined the concern official

After completion of all the above said aspects, soon I will complete the investigation. The case is under initial state.

4. Heard, the learned counsel for the petitioner and the learned Government Advocate appearing on behalf of the respondents.

5. Taking into consideration the facts and circumstances of the case and also the status report filed by the investigating officer, this Court deems it fit to direct the Deputy Superintendent of Police, Thiruvannamalai to monitor the investigation conducted by the 5th respondent police.

6. This Criminal Original Petition is disposed of with the direction to the Deputy Superintendent of Police, Thiruvannamalai to monitor the investigation conducted by the 5th respondent. The 5th respondent shall proceed further with the investigation effectively and shall complete the same as expeditiously as possible and file a final report or closure report, as the case may be, before the concerned jurisdictional Magistrate Court.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Director General of Police,
   O/o the Director General of Police,
   Dr.Radha Krishnan Salai,
   Mylapore, Chennai - 600 004.

2. The Inspector General of Police,
   Vellore Zone, Vellore.

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4. The Deputy Superintendent of Police,
   O/o the Superintendent of Police,
   Tiruvannamalai District.
   Tiruvannamalai.

5. State Rep. by,
   The Inspector of Police,
   Tiruvannamalai Police Station,
   Tiruvannamalai District.

6. The Public Prosecutor,
   High Court, Madras.

+1cc to Mr.S.Kumara Devan Advocate, S.R.No.68578

PVS(CO)
CB(26/09/2019)

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