

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 26.07.2019

CORAM
THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.7260 of 2017

Periyasamy

... Petitioner

Vs.

1.The Inspector of Police,
Bommidi Police Station,
Dharmapuri District.

2.The District Superintendent of Police,
Dharmapuri District,
Dharmapuri.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the first respondent to transfer the Investigation of the case in Crime No.64 of 2017 to some other Investigating Agency such as CBI or CBCID or any other independent investigating agency for proper and necessary action against the culprits.

For Petitioner : M/s.V.Suguna

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

This petition has been filed to to direct the first respondent to transfer the Investigation of the case in Crime No.64 of 2017 to some other Investigating Agency such as CBI or CBCID or any other independent investigation agency for proper and necessary action against the culprits.

2.The learned counsel for the petitioner would submit that the petitioner's daughter died under suspicious circumstances and based on the complaint given by the petitioner, an F.I.R. was registered under Section 174 of Cr.P.C. The learned counsel would submit that no one was examined in this case and the respondent police proceeded to close the case. The learned counsel would further submit that the petitioner's daughter is said to have committed suicide by hanging in a tree. The learned counsel would further submit that on seeing the place of occurrence and the tree, it is highly impossible that a lady could climb 20 feet tree and jumped with the rope, to have committed suicide as projected by the prosecution. Therefore, the learned counsel impressed upon

by this Court to transfer the investigation to some other agency.

3.The learned Additional Public Prosecutor on instructions would submit that further action dropped in Crime No.64 of 2017 and the closure report filed before the Revenue Divisional Officer, Dharmapuri on 14.07.2018.

4.This Court of the considered view that the entire investigation has not been properly conducted in this case. The F.I.R. has been registered under Section 174 of Cr.P.C. Therefore, the procedure as contemplated under Section 174 of Cr.P.C. ought to have been followed. The very fact that the closure report has been filed on 14.07.2018 before the Revenue Divisional Officer, Dharmapuri, itself shows that the entire investigation has been conducted in a slipshod manner.

5.This Court had an occasion to deal with the scope of Section 174 of Cr.P.C. and detailed guidelines were given by this Court in the case of Manohari Versus The District Superintendent of Police, Sivagangai District and others reported in (2018) 2 LW (CrL.) 522. None of the guidelines were followed in the present case. Therefore, the case requires a fresh investigation.

6.The first respondent is directed to conduct fresh investigation in this case and the same shall be monitored by the Superintendent of Police, Dharmapuri. All the witnesses in the case shall be examined and if in case, any offence is made out, action has to be taken against the concerned accused persons. It is made clear that the Investigation Officer shall strictly follow the guidelines given by this Court in the judgment referred supra and shall complete the investigation as expeditiously as possible. The entire investigation should be done under the close monitoring of the Superintendent of Police, Dharmapuri.

7. This Criminal Original Petition is disposed of with the above directions.

Sd/-

Assistant Registrar (J)

//True Copy//

Sub Assistant Registrar

jas/vs

To

1.The Inspector of Police,
Bommidi Police Station,
Dharmapuri District.

2.The District Superintendent of Police,
Dharmapuri District,
Dharmapuri.

3.The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.7260 of 2017

RRS (30/08/2019)



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