IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.29068 of 2018

Siva ... Petitioner

Vs

State by
1.The Inspector of Police,
R-5, Virugambakkam Police Station,
Chennai.
(Crime No.717 of 2018)

2.The Deputy Inspector
General of Police CB-CID,
Guindy, Chennai 600 032. ... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to direct the 2nd respondent to take over the investigation of the case in Crime No.717 of 2018 from the file of the 1st respondent and proceed with the same as per law and file a final report / charge sheet within a time frame fixed by this Hon'ble Court.

For Petitioner : Mr.S.Sathia Chandran

For Respondents: Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

The petition is filed for a direction for transfer of investigation in Crime No.717 of 2018 on the file of the first respondent to other investigation agency.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

3.The learned Additional Public Prosecutor filed a status report and it is seen that initially the case has been registered as against the deceased for the offences under Section 309 of IPC in Crime No.717 of 2018. Thereafter, the deceased died in the hospital while treatment and altered the offences under Section 306 of IPC and as against the three

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accused persons viz., A1 is the sister of A2, A2 is the husband of the deceased and A3 is the husband of A1. They are registered for the offences under Section 306 of IPC. In fact A1 and A2 were already arrested and released on bail. Further A3 has obtained Anticipatory Bail. As per the status report they examined the father, mother, sister, neighbour, relative and friend of the deceased and the investigation is in progress. But whereas the learned counsel for the petitioner vehemently contended that anybody was examined as submitted by the learned Additional Public Prosecutor. They also sent the representation dated 12.11.2018 to the Inspector of Police, Virugambakkam Police Station for proper and fair enquiry.

4.Considering the above facts and circumstances, this Court is not inclined to transfer the case from the Inspector of Police, R5 Virugambakkam Police Station to some other agency. Further, the Inspector of Police, R5 Virugambakkam Police Station is directed to consider the representation made by the de-facto complainant, father of the deceased dated 12.11.2018 and enquire them and complete the investigation and file a final report in Crime No.717 of 2018 within a period of three months from the date of receipt of a copy of this order. The Assistant Commissioner of Police, Vadapalani Police Station shall monitor the investigation lead by the Inspector of Police, R5 Virugambakkam Police Station and ensure that the final report filed within a period of three months from the date of receipt of a copy of this order.

5.This Criminal Original Petition is disposed of accordingly.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

rna

To

1.The Inspector of Police,
R-5, Virugambakkam Police Station,
Chennai.

2.The Deputy Inspector
General of Police CB-CID,
Guindy, Chennai 600 032.

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3.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.S.Sathia Chandran, Advocate sr 19460.

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VBA(CO)
SP(29/03/2019)

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