



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

CRL.O.P. (MD) No.2872 of 2019

and

Crl.M.P. (MD) .No.1587 of 2019

K.Kaliammal

: Petitioner

-Vs-

1.The State represented through the
Home Secretary, Secretariat,
St. George Tower, Chennai-600 009.

2.The Director General of Police,
Office of the Director General of Police,
Kamarajar Salai, Chennai-600 004.

3.The Superintendent of Police,
CBCID, South Zone,
No.220, pantheon Road,
Egmore, Chennai-600 008.

4.The Superintendent of Police,
O/o. Superintendent of Police,
Theni District-625 531.

5.The Deputy Superintendent of Police,
O/o. Deputy Superintendent of Police,
Periyakulam, Theni District-625 601.

6.The Inspector of Police,
Thevathanapatti Police Station,
Theni District.

: Respondents

(Crime No.559 of 2017)

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code, to direct the second respondent to withdraw the investigation from the sixth respondent and entrust the same to the third respondent in Crime No.559 of 2017, on the file of the sixth respondent Police Station and direct the third respondent to file the final report within a stipulated time that may be stipulated by this Court.

For Petitioner

: Mr.R.Karunanidhi

For Respondents

: Mr.V.Neelankandan

Additional Public Prosecutor

**ORDER**

The present petition is filed to withdraw the investigation in Crime No.559 of 2017, registered under Section 174 Cr.P.C..

2. The person dead, which necessitated the registration of the present case, was the petitioner's husband viz., Kamatchi. The petitioner narrates an earlier incident before the petitioner's husband was found dead, on 05.12.2017 at about 07.00 a.m., in which one Pandiarajan, Senthil, Selvam and Periyakulam Panchayat Union Block Development Officer viz., Sethukumar and ten others had come to evict the petitioner and in the wordy altercation, the petitioner's husband was slapped by the first accused Pandiarajan. Subsequently, based on the complaint given by the Block Development Officer, a case came to be registered.

3. Be that as it may, on 06.12.2017, the petitioner had gone to the District Collector's Office, Theni, to complain about the accused persons and for seeking remedy. It is later the petitioner's husband was taken to the Government hospital, wherein, he declared dead.

4. Initially postmortem was conducted and followed by a direction of this Court, another postmortem was conducted. The first postmortem report discloses atleast two antemortem internal injuries (with no external injury), which includes head injury. The second postmortem report substantially confirms the injuries noted in the first postmortem report.

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

6. Today, a CD file was placed before this Court and it is seen that to a query made by the Investigating officer, the doctor who conducted the postmortem has given his opinion that the two injuries noted on the body of the petitioner is likely to have happened simultaneously.

7. The learned Additional Public Prosecutor appearing for the respondents submitted that the investigation in this case has been closed and the action has been dropped.

8. Inasmuch as the doctor's opinion indicates that the two injuries have happened on the same time, this Court considers the investigating officer to rework that issue and try to focus on the investigation on the basis of the said opinion of the doctor. The case is hence directed to be reopened and the investigating officer is also directed to further investigate the case as indicated above. The fifth respondent is directed to monitor the investigation, and a final report is directed to be filed within a period of four months from the date of receipt of a copy of this order.



9. In view of the above, the Criminal Original Petition stands disposed of. Consequently, the connected miscellaneous petition is closed.

WEB COPY

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

tsg

To

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6. The Inspector of Police,
Thevathanapatti Police Station,
Theni District.

7. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC TO MR.R.KARUNANIDHI, Advocate Sr. No.58684

Order made in
CRL.O.P. (MD) No.2872 of 2019
03.04.2019

TR (30.04.2019) 3P 9C