



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE
Cr1.O.P.[MD]No.5141 of 2019

WEB COPY

N.Sivanesan

: Petitioner/Defacto
Complainant

/Vs./

- 1.The Superintendent of Police,
Sivagangai District,
Sivagangai.
- 2.The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
- 3.The Inspector of Police,
Central Bureau of Investigation,
Madurai.

: Respondents/Respondents

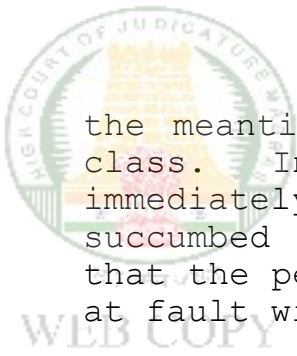
PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to transfer the investigation of the case in Crime No.735 of 2018 from the file of the second respondent to the file of the third respondent police for proceeding further and consequently direct the third respondent to file a final report therefrom within the time stipulation as prescribed by this Court.

For Petitioner	: Mr.R.Anand
For Respondents	: Mr.V.Neelakandan
for R1 and R2	Additional Public Prosecutor

ORDER

The present petition is filed seeking transfer of a case in Crime No.735 of 2018, registered for an accidental fall of the petitioner's daughter aged about sixteen years.

2. The quintessence of the allegations made in the FIR is to the effect that the petitioner's daughter Swetha, reading her 11th standard in a certain school in Sivakasi, has gone to the School with a cellphone, contrary to the rules of the School barring the students from carrying cellphone with them. The School authorities have informed the petitioner about the same, whereupon the petitioner had gone to the school and he was informed that, when caught, the petitioner's daughter had thrown the cellphone through the window, and required the petitioner to search for the same. In



the meantime, the petitioner's daughter was directed to go to her class. Instead, she has jumped from the first floor. She was immediately removed to the hospital in the School van but she succumbed to her injuries. The FIR concludes with the statement that the petitioner was satisfied that the School Management was not at fault with this incident.

3. The learned counsel for the petitioner argued that the no father in a circumstance, in which the petitioner was placed, would have given a clean chit to the School Management when he was not even in possession of the facts while giving statement to the police. The petitioner now states that his daughter was slapped before his eyes and this fact does not find place in the FIR. This shows that he could not have a fair investigation. It is on this allegation, the petitioner seeks transfer of investigation.

4. The learned Additional Public Prosecutor submitted that the police have dropped the action in the matter as they do not suspect anything wrong about the incident. The copy of the final report is also circulated to the learned counsel for the petitioner.

5. After going through the final report the learned counsel for the petitioner made a statement that the police have not even conducted inquest on the body of the girl. Further the petitioner had sent the representation / complaint on the following date of the incident i.e., on 07.12.2018 to the Superintendent of Police, which does not find place in the final report.

6. The learned counsel for the petitioner now made a fervent plea that it is a case, which the Superintendent of Police may go through the final report, ascertain the correctness of what is made, and if requires he can cause the investigation to be reopened and proceed to investigate the matter.

7. Accordingly, this Court now directs the first respondent to consider representation of the petitioner dated 07.12.2018 and take appropriate decision as could be taken as per law within a period of four weeks from the date of receipt of a copy of this order.

8. With the above direction, this criminal original petition is disposed of.

Sd/-

Assistant Registrar (CS II)

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To

1. The Superintendent of Police,
Sivagangai District,
Sivagangai.
2. The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
3. The Inspector of Police,
Central Bureau of Investigation,
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