



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI
Cr1.O.P.[MD]No.5570 of 2019

Vasanthi

: Petitioner

/Vs./

1.The State of Tamil Nadu,
Rep. By the Superintendent of Police,
Kanyakumari District,
Nagercoil.

2.The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
(Crime No.487 of 2018)

3.The Inspector,
CBCID, Kanyakumari District,
Nagercoil.

: Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the first respondent to withdraw the case in Crime No.487 of 2018 on the file of the second respondent and transfer the case to the third respondent or to any other competent investigating agency for proper investigation.

For Petitioner : Mr.C.R.Nirmal

For Respondents : Mr.K.Suyambulinga Bharathi
Government Advocate (Cr1.Side)

ORDER

The present case has been filed to direct the first respondent to withdraw the case in Crime No.487 of 2018 on the file of the second respondent and transfer the case to the third respondent.

2. The learned counsel for the petitioner submits that the petitioner has obtained cable connection from one Sunil, Cable Operator. In that connection, the wire was not a single wire but it is combination of two sets of wires. Since the wires were naked and the plug fitted in plug holes is not tight, the same was informed to the cable operator Sunil. Since the wire is not insulated in a proper manner, the petitioner requests the cable



operator to take the wire and however, he did not take care of the same.

3. While that being so, on 27.11.2018 at about 02.00 p.m., the daughter of the petitioner switched on the television with the intention to see the television programmes. However, the programme does not appear in the television. Hence, she touched the wire to avoid the loose contact. Due to unsecured electric connection, a high voltage electricity passed to her body and she fell down. Thereafter, she was taken to the nearby hospital, but she was declared death. Thereby, the petitioner has made a complaint to the Law Enforcing Agency, who registered the case in Crime No.487 of 2018 under Section 174 Cr.P.C., Since the investigation is not properly done in the manner known to law, the petitioner has filed the present petition to direct the first respondent to transfer the case in Crime No.487 of 2018 on the file of the second respondent to any other competent authority.

4. The learned Government Advocate (Crl.Side) would submit that the investigation is completed and the Law Enforcing Agency referred this matter as 'action dropped' and in this regard, a report has been filed before the learned Taluk Magistrate (Tahsildar), Vilavancode. He also submits that the final report will be filed before the concerned Judicial Magistrate within a short time.

5. In view of the above said facts, the petitioner did not establish the present case to transfer the present case to some other agency. It appears that the respondent police filed a representation before the Executive Magistrate and almost the investigation is completed and final report is ready to lay before the learned Judicial Magistrate. Accordingly, the respondent police is directed to file a final report within a period of one week from the date of receipt of a copy of this order. If any final report is filed, a copy of the same shall be furnished to the defacto complainant enabling him to workout his remedy in the manner known to law.

6. With the above direction, this criminal original petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar (CS)



To

1.The Superintendent of Police,
State of Tamil Nadu,
Kanyakumari District, Nagercoil.

2.The Inspector of Police,
Marthandam Police Station,
Kanyakumari District

3.The Inspector,
CBCID, Kanyakumari District,
Nagercoil.

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

+1 CC to M/s.C.R.NIMAL, Advocate (SR-61489[F] dated 22/04/2019)

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KM/ (06.05.2019) 3P 6C