



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.(MD) No.1437 of 2017

WEB COPY

Sornavalli

: Petitioner

Versus

1.The Superintendant of Police,
Indian Railways, Trichy.2.The Deputy Superintendant of Police,
Indian Railways, Madurai.3.The Inspector of Police,
Railway Police Station, Virudhunagar.4.The Superintendant of Police,
C.B.C.I.D. Admiralty House,
Chennai.

: Respondents

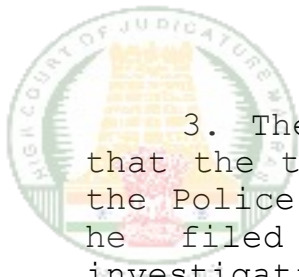
Prayer: Petition is filed under Section 482 of the Criminal Procedure Code praying to direct the first respondent to transfer the investigation in Crime No.2 of 2013, on the file of the third respondent to the fourth respondent based on the representation made by the petitioner dated 16.12.2015.

For Petitioner	:	Mr.R.Ganeshprabu
For Respondents	:	Mr.K.Suyambulinga Bharathi, Government Advocate (Crl.side)

ORDER

This Criminal Original Petition has been filed seeking for a direction to transfer the investigation in Crime No.2 of 2013, on the file of the third respondent to the fourth respondent based on the representation made by the petitioner dated 16.12.2015.

2. The grievance of the petitioner is that his son viz., Nagamurugan, was working as Gangman in the Southern Railway. On 03.01.2013, the petitioner received an information that his son committed suicide in the railway track. Based on the complaint given by the petitioner, a case has been registered in Crime No.2 of 2013, under Section 174 Cr.P.C. During the investigation, the Police came to the conclusion that the petitioner's son has committed suicide due to family problem and thereafter, closed the complaint as a case of suicide. Then, the petitioner has made an enquiry with all the witnesses. But, none of the witnesses has known the cause of the petitioner's son death.



3. The learned counsel appearing for the petitioner submitted that the third respondent, without conducting proper investigation, the Police has closed the complaint as the case of suicide. Hence, he filed this Criminal Original Petition to transfer the investigation.

WEB COPY

4. The learned Government Advocate (Crl. side) appearing for the respondents submitted that the petitioner's son is found dead in railway track and based on the complaint given by the petitioner, a case has been registered under Section 174 Cr.P.C. During the investigation, the petitioner herself has given a statement that there is a quarrel between her and the deceased son. Subsequently, the petitioner's son committed suicide only due to family problem. The respondent Police recorded the statement of the witnesses and inquest has been conducted by the Tahsildar, Virudhunagar and based on the above materials, the Police has come to the conclusion that it is only a case of suicide.

5. I have gone through the entire materials available on record and also the statement given by the petitioner under Section 161(3) Cr.P.C, wherein, she has stated that it is a case of suicide. Considering the facts and circumstances of the case and also considering the fact that the third respondent has conducted proper investigation and no ground is made out for re-investigation. In the above circumstances, this Court is of the view that, there is no need for ordering transfer of investigation or re-investigation in this case. Hence, I find no merit in this Criminal Original Petition.

6. At this juncture, the learned counsel appearing for the petitioner would submit that the final report has not been filed before the concerned Judicial Magistrate, instead it has been filed before the learned Executive Magistrate only. It is needless to say, after completing the investigation, it is the duty of the respondent Police to file the final report before the concerned Jurisdictional Magistrate. Hence, the respondent Police is directed to file the final report before the concerned Jurisdictional Magistrate.

7. In the result, the Criminal Original Petition stands dismissed with the above observations.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

Sub Assistant Registrar(CS)



To

1.The Superintendent of Police,
Indian Railways, Trichy.

2.The Deputy Superintendent of Police,
Indian Railways, Madurai.

3.The Inspector of Police,
Railway Police Station, Virudhunagar.

4.The Superintendent of Police,
C.B.C.I.D. Admiralty House,
Chennai.

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

+1 CC to M/s.R.GANESH PRABU, Advocate SR-69807.

Order made in
Cr1.O.P. (MD) No.1437 of 2017
Dated: **17.06.2019**

CS: (05/07/2019) 3P 7C