



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.08.2019

CORAM:

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THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. (MD)No.1121 of 2018

Peyammal

: Petitioner

Versus

- 1.The Secretary to the Government of Tamil Nadu,
Home Department,
Fort St. George,
Chennai.
- 2.The Inspector General of Police,
South Zone,
Madurai.
- 3.The Superintendent of Police,
Madurai District,
Madurai.
- 4.The Deputy Superintendent of Police,
Melur, Madurai District.
- 5.The Inspector of Police,
Keelavalavu Police Station,
Keelavalavu, Madurai District.
- 6.The Superintendent of Police,
CBCID,
Narimedu,
Madurai.

: Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent to pay sum of Rs.10,00,000/- to the petitioner as compensation as Section 357(A) of Code of Criminal Procedure for the death of her husband Perumal @ Sivalingaperumal, who died on 19.02.2013 and also as per the case registered in Crime No.44 of 2013 on the file of the fourth respondent and consequently, direct the respondent Nos.1 to 3 herein to change the investigation of the case in Crime No.44 of 2013 from the file of the fourth respondent and entrust the said investigation to the first respondent herein to complete the investigation and



file a charge sheet before the concerned Judicial Magistrate, within the time stipulated by this Court and for other relief.

For Petitioner : Mr.J.Lawrance

For Respondents : Mr.K.K.Ramakrishnan,
Additional Public Prosecutor

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O R D E R

This Writ Petition has been filed seeking a direction to the respondents 1 to 3 to pay compensation under Section 357-A of the Code of Criminal Procedure and also transfer the investigation in Crime No.44 of 2013.

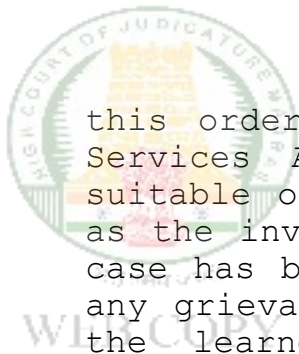
2. The grievance of the petitioner is that, the petitioner's husband, by name Perumal @ Sivalingaperumal, was found murdered, based on that, a crime has been registered by the fifth respondent, now, the investigation is pending on the file of the fourth respondent. The petitioner made an application before the authorities concerned seeking for compensation and not being satisfied with the investigation conducted by the fourth respondent, she has also made a representation seeking for transfer of investigation. That was also not considered. Hence, the present Writ Petition has been filed for the aforementioned relief.

3. I have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

4. For awarding compensation under Section 357-A of the Code of Criminal Procedure, the District Legal Services Authority is the competent authority to conduct enquiry and recommend for awarding adequate compensation. Admittedly, so far, the petitioner did not make any application before the District Legal Services Authority.

5. That apart, now, the learned Additional Public Prosecutor appearing for the respondents submitted that earlier, as there was no progress in the investigation conducted by the fifth respondent police, the investigation was transferred to the fourth respondent. After investigation, as the accused could not be traced, the fourth respondent filed a final report as 'undetected'. RCS notice was also served on the petitioner.

6. Considering the above circumstances, since the petitioner did not file any application seeking compensation before the District Legal Services Authority, the petitioner is directed to file necessary application to the District Legal Services Authority, within a period of two weeks from the date of receipt of a copy of



this order. If any such application is filed, the District Legal Services Authority is directed to consider the same and pass suitable orders, within a period of eight weeks thereafter. So far as the investigation in Crime No.44 of 2013 is concerned, now, the case has been closed as 'undetected'. If at all the petitioner has any grievance over the same, it is always open to her to approach the learned Judicial Magistrate concerned and file necessary application seeking for re-investigation and at this stage, the prayer for transfer of investigation cannot be granted.

7. With the above directions, the Writ Petition stands closed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Secretary to the Government of Tamil Nadu,
Home Department, Fort St. George, Chennai.

2.The Inspector General of Police,
South Zone, Madurai.

3.The Superintendent of Police,
Madurai District, Madurai.

4.The Deputy Superintendent of Police,
Melur, Madurai District.

5.The Inspector of Police,
Keelavalavu Police Station,
Keelavalavu, Madurai District.

6.The Superintendent of Police,
CBCID, Narimedu, Madurai.

+1 CC to M/s.J.LAWRANCE, Advocate (SR-81263[F] dated 13/08/2019)

Order made in
W.P. (MD)No.1121 of 2018
Dated: 09.08.2019

SML

JMN(26.08.2019) 3P : 8C