



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2019

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.18126 of 2015

and

M.P.(MD)No.1 of 2015

J.Cecily

... Petitioner

Vs.

1. The Director General of Police,
O/o. The Director General of Police,
Mylapore, Chennai.
 2. The Superintendent of Police,
O/o. The Superintendent of Police,
Kanyakumari District,
 3. The Deputy Superintendent of Police,
CBCID, Palayamkottai,
Tirunelveli District.
 4. The Inspector of Police,
Vellisanthai police station,
Kanyakumari District.
(Crime No.252 of 2015)
 5. N.Jeyanthi,
Sub Inspector,
Control Room of the Rural District Police Office,
Tirunelveli District.
- ... Respondents

Prayer: Writ petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the second respondent to transfer the case in Crime No.252 of 2015 dated 28.08.2015 on the file of the fourth respondent and entrust the same to the third respondent for investigation of the case by CBCID or any other agency and file a final report before the jurisdictional Magistrate within the time stipulated by this Court and consequently to grant compensation to the petitioner.



For R-1 to R-4 : Mr.A.Robinson,
Government Advocate (Crl. Side)
For R-5 : M/s.Jessi Jeeva Priya

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ORDER

The petitioner's husband committed suicide on 27.08.2015 in front of Vellichandhai police station. Hence Crime No.252 of 2015 was registered.

2. The grievance of the petitioner is that the fifth respondent herein was the cause for her husband's death and since the fifth respondent is the Sub Inspector of Police in Vellisandhi police station, the case must be investigated by some other agency. When the request for transferring the investigation was not considered, this writ petition has been filed.

3. When the matter was taken up for hearing, the learned Government Advocate submitted that final report has been prepared for dropping further action in the matter.

4. It is seen from the materials on record that the jurisdictional Magistrate even while holding that this is not a case of custodial death, had made certain observations against the fifth respondent. It is not in dispute that the fifth respondent was the Sub Inspector of Police in Vellisandhai police station. Therefore, I am of the view that the case will have to be necessarily investigated by some other official not associated with the Vellisandhai police station or the fifth respondent. The Superintendent of Police, Kanyakumari District, will nominate a fresh investigation officer who will take up the investigation and file final report within a period of two months from the date of receipt of a copy of this order.

5. The writ petition stands allowed, accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To:

1. The Director General of Police,
O/o. The Director General of Police,
Mylapore, Chennai.

