



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 08.07.2019
CORAM:

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THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P. (MD) No.8489 of 2017

M.Sathaiah

: Petitioner

Versus

1. The Director General of Police,
Kamarajar Salai, Mylapore, Chennai-600 004.
2. The Superintendent of Police,
O/o. The Superintendent of Police,
Sivagangai District.
3. The Deputy Superintendent of Police,
O/o, the Superintendent of Police, Karaikudi,
Sivagangai District.
4. The Inspector of Police,
Sakkottai Police Station,
Sivagangai District.

: Respondents

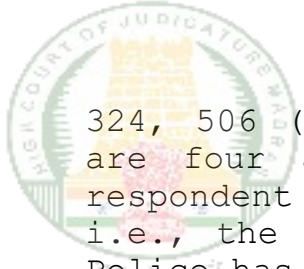
Prayer: Petition is filed under Section 482 of the Criminal Procedure Code praying to direct the first and second respondents to transfer the investigation in Crime No.132 of 2017 pending on the file of the fourth respondent to any other competent police officer under the first respondent.

For Petitioner : Mr.S.Vanchinathan
For R-1 to R-4 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl. side)

O R D E R

This petition has been filed to transfer the investigation in Crime No.132 of 2017 from the file of the fourth respondent to any other Investigating Agency.

2.The grievance of the petitioner is that the petitioner's wife viz., Veerayee has been brutally attacked by her daughter-in-law on 04.04.2017, subsequently, his wife succumbed to injuries on 11.05.2017. Originally, the respondent Police has registered a case No.132 of 2017 for the offences punishable under Sections 120 (b), 294(b), 324, 448 and 506 (ii) of the Indian Penal Code. After the death, it has been altered into under Sections 294(b),



324, 506 (ii) and 302 of the Indian Penal Code. Originally, there are four accused in this case, after investigation, the fourth respondent Police has filed a final report only against one person i.e., the daughter-in-law of the petitioner. The fourth respondent Police has not conducted the investigation in a proper manner and he has also deliberately omitted the other three accused from the final report. In these circumstances, the present petition has been filed to transfer the investigation in Crime No.132 of 2017 from the file of the fourth respondent to any other Investigating Agency.

3.Today, the fourth respondent has filed a status report stating that based on an intimation received from the Government Hospital, Karaikudi on 12.04.2017, the respondent Police obtained a statement from one Veerayi and based on the same, First Information Report has been registered. Originally, the injured has implicated as many as four persons. But, the investigation reveals that only Accused No.1 alone has involved in this case and there is no material to implicate the other three accused. Hence, the fourth respondent filed an altered First Information and deleted the other three accused. Thereafter, the injured succumbed injuries on 11.05.2017. The inquest and postmortem has also been conducted. The postmortem report as well as the report received from the Regional Forensic Science Laboratory, Ramanathapuram, says that the death was occurred due to cardio respiratory failure. Thereafter, the offences have been altered into under Sections 294(b), 324, 506 (ii) and 302 of the Indian Penal Code and final report has also been filed before the Jurisdictional Court concerned.

4.The learned Government Advocate (Crl. side) appearing for the respondents, on instructions, submitted that the investigation has been conducted in a fair manner and the investigation need not be transferred to any other agency.

5.I have considered the rival submissions and the entire material available on record.

6.The present petition has been filed seeking for transfer of investigation. Now the petition has been filed on the ground that the respondent Police did not conduct proper investigation and deliberately omitted the other three accused in the final report. On perusal of the record, it could be seen that now the entire investigation is over and final report has also been filed before the learned Judicial Magistrate, Karaikudi and the learned Judicial Magistrate has taken cognizance of the offences and the matter is pending committal in S.T.C.No.1787 of 2018. At this stage, the prayer sought for by the petitioner cannot be granted. The Criminal Original Petition stands dismissed accordingly. If at all the petitioner has any grievance that the investigation was not done in



a proper manner, it is always open to him to work out his remedy in the manner known to law.

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Sd/-

Assistant Registrar (CS-III)

Sub Assistant Registrar (CS)

To

1. The Judicial Magistrate,
Karaikudi
2. The Director General of Police,
Kamarajar Salai, Mylapore, Chennai-600 004.
3. The Superintendent of Police,
O/o. The Superintendent of Police,
Sivagangai District.
4. The Deputy Superintendent of Police,
O/o, the Superintendent of Police, Karaikudi,
Sivagangai District.
5. The Inspector of Police,
Sakkottai Police Station,
Sivagangai District.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.S.VANCHINATHAN, Advocate (SR-74039[F] dated 08/07/2019)

Order made in
Cr1.O.P. (MD) No.8489 of 2017
Dated: 08.07.2019

tsg

MK (18.09.2019) 3P 8C