



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2019

CORAM:

WEB COPY

THE HONOURABLE **MR. JUSTICE N.ANAND VENKATESH**

Crl.O.P.[MD]No.8689 of 2017

K.Subbuthai

: Petitioner

Vs.

1.The Superintendent of Police,
Thoothukudi District,
Thoothukudi.

2.The Inspector of Police,
Ettayapuram Police Station,
Ettayapuram,
Thoothukudi District,
(In Crime No.97 of 2015)

3.The Inspector of Police,
CBCID,
Thoothukudi District.

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to direct the first respondent to transfer the case in Crime No.97 of 2015 on the file of the second respondent to the third respondent based on the representation of the petitioner dated 28.05.2017.

For Petitioner : Mr.T.Pon Ramkumar

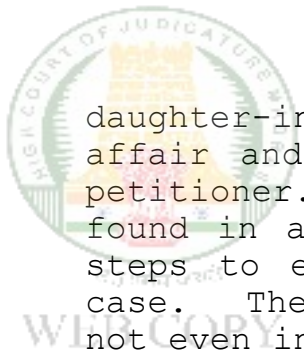
For Respondents : Mr.S.Chandrasekar
Additional Public Prosecutor

O R D E R

This criminal original petition has been filed seeking transfer of investigation in Crime No.97 of 2015 on the file of the second respondent.

2.The second respondent has filed a status report before this Court along with all the documents including the postmortem report and also the viscera report.

3.The learned counsel for the petitioner submitted that the petitioner lost her son and there is a strong suspicion against the



daughter-in-law of the petitioner, since she had a extra marital affair and therefore, she wanted to do away with the son of the petitioner. The learned counsel further submitted that the body was found in a very decomposed state and the daughter-in-law took all steps to ensure that the investigation does not progress in this case. The learned counsel submitted that the daughter-in-law was not even interrogated by the respondent Police.

4.The learned Additional Public Prosecutor appearing on behalf of the respondent Police submitted that there was no requirement for the Police to favour one party and go against the petitioner. The learned counsel submitted that the respondent Police have taken all steps and have collected the reports from the Doctor and the Forensic Department and they did not find any material to proceed further with the investigation and therefore, a closure report was filed as 'action dropped' before the learned Judicial Magistrate No.II, Kovilpatti. The learned counsel submitted that the Police cannot be blamed in this case and the learned Additional Public Prosecutor brought to the notice of this Court the various steps take by the Police, which has been explained in the status report filed before this Court. He further submitted that the notice was also given to the petitioner at the time of filing of the closure report.

5.This Court have carefully considered the submissions on either side and materials available on record.

6.This Court is of the considered view that the change of investigation is not warranted in this case at this stage. However, the respondent Police shall serve notice along with the closure report to the petitioner and the petitioner is at liberty to file a protest petition before the concerned Court and work out her remedy in accordance with law.

7.The Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

rmk

To

1.The Superintendent of Police,
Thoothukudi District, Thoothukudi.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Inspector of Police,
Ettayapuram Police Station,
Ettayapuram,
Thoothukudi District,

3.The Inspector of Police,
CBCID, Thoothukudi District.

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

+1 CC to M/s.T. PON RAMKUMAR, Advocate (SR-102280[F] dated
28/11/2019)

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JMN(26.12.2019) 3P : 6C