

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 03.09.2020

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN
Crl.O.P.No.9871 of 2020

R.Velu

... Petitioner

Vs.

1.The State, Represented by,
The Inspector of Police,
Namakkal Police Station,
Namakkal District.
(Crime No.754 of 2020)

2. The Inspector of Police,
CB CID, Namakkal.

3. The Deputy Superintendent of Police,
CB CID, Salem Zone.

... Respondents

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to transfer the investigation in F.I.R. Crime No.754 of 2020 on the file of the Inspector of Police, Namakkal Police Station, Namakkal District u/s.174 Cr.P.C., to the Inspector of Police, CBCID Namakkal, (the 2nd respondent herein) under the supervision of the 3rd respondent herein for the interest of justice, to secure the ends of justice.

For Petitioner : Mr.B.Vasudevan

For Respondents : Mr.S.Karthikeyan

Additional Public Prosecutor

O R D E R

This petition has been filed to transfer to transfer the investigation in F.I.R. Crime No.754 of 2020 on the file of the Inspector of Police, Namakkal Police Station, Namakkal District u/s.174 Cr.P.C., to the Inspector of Police, CBCID Namakkal, (the 2nd respondent herein) under the supervision of the 3rd respondent herein.

2. The learned counsel for the petitioner would submit that the petitioner's daughter, while she was working as a Head Nurse in Sridhar Hospital, Mohanur Road, Namakkal, she informed the doctor that she would go for higher studies, hence, she would not come to the hospital from May 2020. Even, the hospital management compelled her to continue the job till the appointment of another Nurse. While being so, the doctor of the hospital in-charge scolded the deceased mentioning her

caste name and harassed her. Thereafter, on 29.05.2020, the petitioner's wife received a phone call from one of the doctor of the hospital stating that the petitioner's daughter fell down from the 3rd floor of the hospital and sustained grievous injuries. The petitioner visited the hospital, she could not see the petitioner and with injuries and she lay on the structure. While proceeding to the Government Hospital, Namakkal, through Ambulance, she also informed to the petitioner that she was brutally assaulted by the hospital authorities. The petitioner also able to find out and seen the blood was leaked from the mouth and the petitioner's daughter died in a suspicious circumstance and there is a specific allegation as against the hospital authorities. Even then, the 1st respondent did not enquire this aspect and registered the complaint under Section 174 Cr.P.C., in Crime No.754 of 2020.

3. He further submitted that the deceased belonging to Scheduled Caste community and even then the investigation not yet handed over to the Deputy Superintendent of Police, who is competent to investigate the case for the allegation in respect of SC & ST Act. Hence, he sought for transfer of investigation.

4. The learned Additional Public Prosecutor submitted that the 161 statement and status report shows that due to love affair with other person, in which, the deceased committed suicide by jumping from third floor and therefore, she sustained grievous injuries and died. The post mortem report also revealed that 'O/D Neck: fracture and dislocation of CS over CG Cervical Vertebrae with surrounding soft tissue contusion. Hyoid bone intact. O/D Thorax: Fracture of upper part of sternum along with fracture of Leftside 8th rib and right side 6th rib with surrounding soft tissue contusion.' There are fractures in ribs, the police investigated the Doctor for the reason of fractures caused and altered the section. Therefore, the deceased sustained the above said injuries because of falling down from the 3rd floor of the hospital. Even then, the 1st respondent is investigating the matter and about to complete the same.

5. It is seen from the F.I.R. that there is specific allegation as against the hospital authorities and also the deceased belonged to Scheduled Caste community, even then, the investigation is not handed over to the Deputy Superintendent of Police, SC & ST Act. Though the 1st respondent has already enquired and recorded the statement from the doctor of the hospital, the Deputy Superintendent of Police, Namakkal is directed to conduct the investigation in Crime No.754 of 2020 and complete the investigation and file a final report within a period of Twelve Weeks from the date of receipt of a copy of this order.

6. With the above direction, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ssn

To

1.The Inspector of Police,
Namakkal Police Station,
Namakkal District.

2. The Inspector of Police,
CB CID, Namakkal.

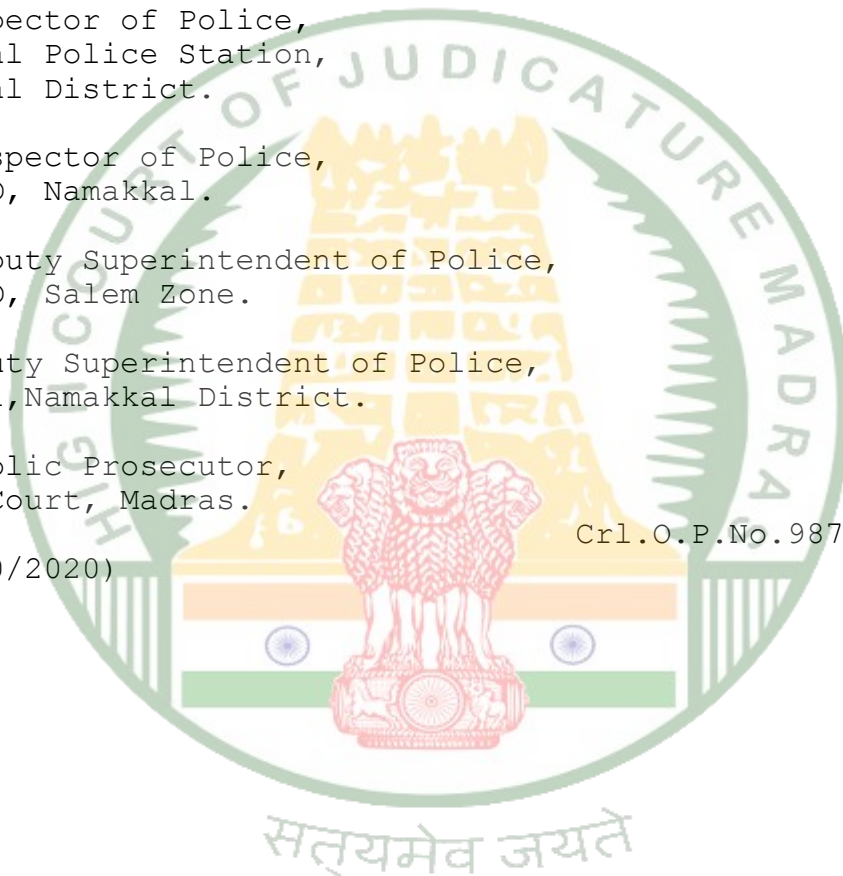
3. The Deputy Superintendent of Police,
CB CID, Salem Zone.

4.The Deputy Superintendent of Police,
Namakkal,Namakkal District.

5. The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.9871 of 2020

A.SK(07/10/2020)



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