

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.09.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.13455 of 2020

Munusamy ... Petitioner/Defacto Complainant

Vs.

- 1.The Superintendent of Police,
Villupuram District.
- 2.The Inspector of Police,
Thirupalapandal Police Station,
Villupuram District. ... Respondents/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to transfer the investigation in FIR No.162 of 2020, dated 14.04.2020, from the file of the 2nd respondent to CBCID or any other independent investigating agency.

For Petitioner : Mr.M.Muruganantham

For Respondents : Mr.S.Karthikeyan,
Additional Public Prosecutor

O R D E R

This petition has been filed to transfer the investigation in FIR No.162 of 2020, dated 14.04.2020, from the file of the 2nd respondent to CBCID or any other independent investigating agency.

2.The learned counsel for the petitioner would submit that the petitioner is the father of the deceased. The deceased was having love affair with the other community girl. Therefore in order to honour kill the son of the petitioner / de-facto complainant, all the accused persons murdered his son with electrocution. The petitioner's son found dead in the land of the accused with electrocuted injuries. There are specific allegations made in the complaint and even then, the second respondent did not registered the case for the offence under Section 304 of IPC instead of that the second respondent

registered the case only in Section 304(2) of IPC in Crime No.162 of 2020 and as if the petitioner's son was went out his house for natural call. Thereafter, his body found by other relatives in the agricultural field belonging to Venkatesan. He died due to electrocution which is caused by the electric wire fencing by its owner namely Mani. There are specific allegations in the complaint and even then, the second respondent did not even enquire the girl's relatives and her parents. Therefore, he sought for transfer of investigation.

3.The learned Additional Public Prosecutor filed the status report and submitted that on the complaint lodged by the petitioner the FIR has been registered in Crime No.162 of 2020 for the offences under Section 304(2) of IPC. Even according to the petitioner, when the petitioner's son went out his house for his natural calls, he did not return his house. Thereafter, his relatives informed that the body of his son found in the land belonging to one Venkatesan. He was electrocuted in the Electric fencing put up by its land owner Mani. Therefore, the FIR has been registered as against the owner of the property Mani. The investigation is in progress and insofar as that the grounds raised by the petitioner there is absolutely no evidence to show that the petitioner's son was murdered on honour killing.

4.Considering the above submission and also on perusal of his status report on the complaint lodged by the petitioner, the second respondent registered the case in Crime No.162 of 2020 for the offence under Section 304(2) of IPC. The main contention of the petitioner is that the petitioner's son fell in love with other caste girl. Only because of his love affair he was murdered by the girl's relatives. The petitioner's son belongs to other community. Even then, the second respondent did not enquire with the girl's relatives or her parents.

5.Further the learned Additional Public Prosecutor also submitted that instead of the second respondent the investigation may be directed to conduct by the Deputy Superintendent of Police, Thirukoilur.

6.Considering the above submission, the investigation in respect of Crime No.162 of 2020 is hereby withdrawn on the file of the second respondent and transferred to the file of the Deputy Superintendent of Police, Thirukoilur, Villupuram District for proper and fair investigation. On receipt of the entire bundle, the Deputy Superintendent of Police, Thirukoilur is directed to proceed with the investigation by conducting enquiry with the said girl's parents and her relatives.

7. Accordingly, with the above observations, this Criminal Original Petition is allowed. The first respondent is also directed to transfer investigation from the Deputy Superintendent of Police, Thirukoilur.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

- 1.The Superintendent of Police,
Villupuram District.
- 2.The Inspector of Police,
Thirupalapandal Police Station,
Villupuram District.
- 3.The Deputy Superintendent of Police,
Thirukoilur, Villupuram District.
- 4.The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.13455 of 2020

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srg 22/10/2020

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