

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.15369 of 2020

B.Prithiviraj M/57,
S/o.K.M.Balakrishnan,
No.117, North Street,
Kodumudi Post,
Kodumudi Taluk,
Erode District.

... Petitioner

Vs.

1. The Superintendent of Police,
Erode,
Erode District.
2. The Deputy Superintendent of Police,
Erode,
Erode District.
3. The State by Inspector of Police,
Modakurichi Police Station,
Erode District.
(Crime No.239 of 2020)

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to transfer the investigation in Crime No.239 of 2020 from the present officers of the 3rd respondent to some other independent investigation officer with the direction and supervision of respondents 1 and 2 for conducting independent and impartial investigation in Crime No.239 of 2020 on the file of the Modakurichi Police Station.

For Petitioner : Mr.R.Prabakar

For Respondents: Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to transfer the investigation in Crime No.239 of 2020 from the present officers of the 3rd respondent to some other independent investigation officer with the direction and supervision of respondents 1 and 2 for conducting independent and impartial

investigation in Crime No.239 of 2020 on the file of the Modakurichi Police Station.

2.The learned counsel appearing for the petitioner submitted that the daughter of the petitioner has committed suicide and died. Though, there is specific averments in the complaint for committing suicide, the 3rd respondent did not conduct the investigation and kept the FIR in cold storage.

3.The learned Additional Public Prosecutor submitted that though initially the FIR has been registered under Section 174 of Cr.P.C. in Crime No.239 of 2020 thereafter, the same was altered as offence under Section 306 of IPC and fixed one Raja Sekaran as an accused, who happened to be a lover of the deceased daughter of the petitioner. He further submitted that so far, the 3rd respondent has examined twelve witnesses and also obtained all the call details between the deceased and the accused. He further submitted that the 3rd respondent also about to complete the investigation and under these circumstances the investigation cannot be transferred.

4.Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondents.

5.Considering the above submission made by the learned Additional Public Prosecutor, the transfer of investigation would affect further investigation and as such the prayer sought for in this petition cannot be entertained. Therefore, this petition is devoid of merits and the same is dismissed. However, the 3rd respondent is directed to complete the investigation and file the final report within a period of twelve weeks from the date of receipt of copy of this order.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

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

2.The Deputy Superintendent of Police,
Erode,
Erode District.

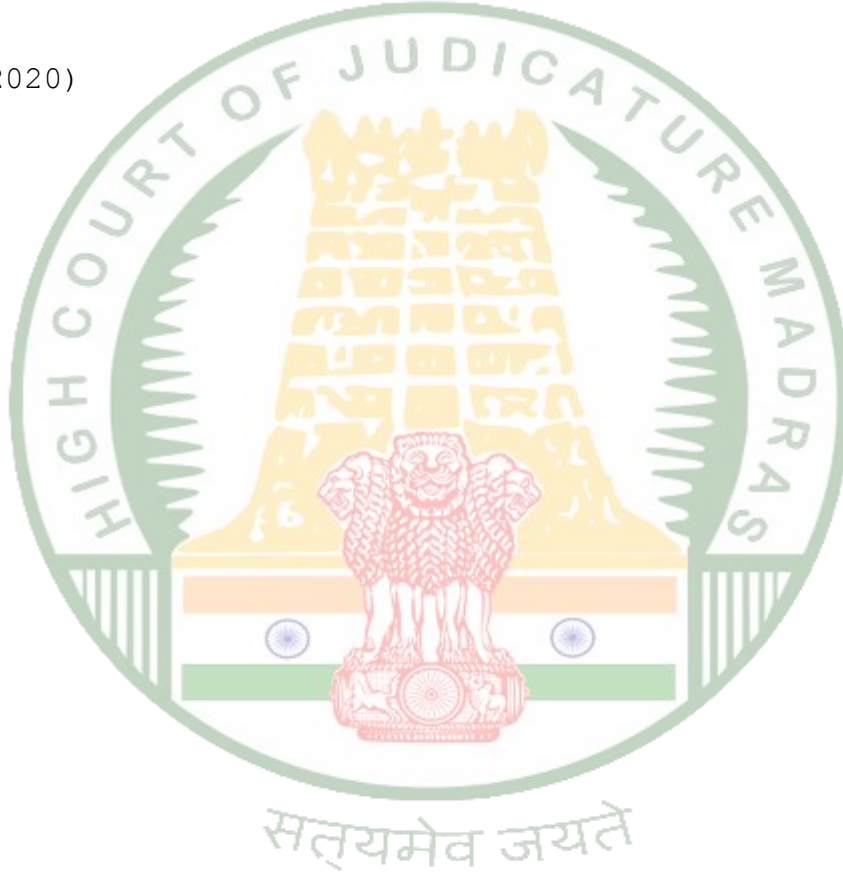
3.The State by Inspector of Police,
Modakurchi Police Station,
Erode District.

4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Prabakar, Advocate, S.R.No.31908

Cr1.O.P.No.15369 of 2020

SRA (CO)
RV(19/11/2020)



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