



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.07.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **R. PONGIAPPAN**

Crl.O.P. (MD)No.6323 of 2020

and Crl.M.P. (MD)No.3276 of 2020

WEB COPY

K.R.Kannan

... Petitioner

Vs.

1.State through
The Superintendent of Police,
Virudhunagar,
Virudhunagar District.

2.State rep.by
The Inspector of Police,
District Crime Branch,
Virudhunagar,
Virudhunagar District.

3.State rep.by
The Inspector of Police,
Vanniyampatti Police Station,
Rajapalayam Taluk,
Virudhunagar District.
Cr.No.198 of 2020

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to direct the first respondent to transfer the investigation for the case registered in Crime No.198 of 2020 on the file of the third respondent and entrust the same to the second respondent or any other competent investigation agency and submit a report within such time frame.

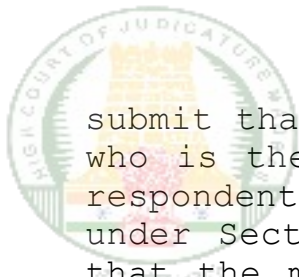
For Petitioner : Mr.G.Mariappan

For Respondents : Mr.S.Chandrasekar
Additional Public Prosecutor

O R D E R

This criminal original petition has been filed seeking a direction to direct the first respondent to transfer the investigation of the case registered in crime No.198 of 2020 on the file of the third respondent and entrust the same to the second respondent for fair investigation.

<https://hcservices.ecourts.gov.in/hcservices/> 2.The learned counsel appearing for the petitioner would



submit that in earlier based on the complaint given by one Renuga, who is the sister of the petitioner, dated 12.05.2020, the third respondent Police had registered a case in crime No.198 of 2020 under Section 174 Cr.P.C. In the said complaint, it was alleged that the mother of the said Renuga, namely Krishnammal, was died due to the consumption of poison. In respect to the same, the petitioner in this petition had suspected about the death of his mother.

3.In this regard, the petitioner, who is also the son of the deceased, had lodged a complaint before the first respondent, in which, he made allegation against the defacto complainant stating that he and the defacto complainant, namely Renuga are having civil dispute in respect of the immovable property owned by the deceased. Further, he made allegation against the defacto complainant as before the death of the said Krishnammal, she was in the custody of the said Renuga. Further allegation made by the petitioner is that the death of his mother has not been intimated to him. Therefore, considering the fact that the deceased is having immovable property, only to grab the same, there will be a chance to murder the deceased by the defacto complainant and other persons, who are all accompanied with the defacto complainant. Hence, it is necessary to grant the prayer sought for by the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondents, on instructions, would submit that after registering the case, the body of the deceased was handed over to the Doctors with a request to conduct postmortem. In the postmortem, it was identified that there was no external injury on the dead body of the deceased. Now, after completing postmortem, the viscera was sent to the Forensic Department to find out whether any poisonous substance is found in the dead body or not. He would further submit that in future, the findings of the expert in respect to viscera is in favour of the petitioner, the respondent police is ready to alter the charge, according to the law contemplated.

5.Upon considering the arguments advanced by the learned counsel on either side, since the allegation is that the deceased consumed poison, it is very much essential to find out the cause of death. Hence, this is not the stage and also not necessary to transfer the investigation. However, considering the grievance addressed by the petitioner, this Court directs the first respondent to interrogate the defacto complainant in crime No.198 of 2020 and if the first respondent found that the grievance addressed by the petitioner is true one, he has to transfer the investigation to any one of the competent Officers for further investigation. Further, the first respondent is directed to monitor the investigation in this case. Accordingly, this



criminal original petition is disposed of. Consequently,
connected miscellaneous petition is closed.

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// True Copy //

Sd/-

Assistant Registrar (RECORDS)

/ /2020

Sub Assistant Registrar (CS)

gns

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Superintendent of Police,
Virudhunagar,
Virudhunagar District.
- 2.The Inspector of Police,
District Crime Branch,
Virudhunagar,
Virudhunagar District.
- 3.The Inspector of Police,
Vanniyampatti Police Station,
Rajapalayam Taluk,
Virudhunagar District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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KM (06.08.2020) 3P 5C