



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.O.P. (MD)No.7100 of 2020

I.Vijaya

... Petitioner

Vs.

1.The Superintendent of Police,
O/o. Superintendent of Police,
Tenkasi District.

2.The Deputy Superintendent of Police,
Tenkasi Sub Division, Tenkasi District.

3.The Inspector of Police,
Sambavar Vadakarai Police Station,
Tenkasi District.
(Crime No.36 of 2020)

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondent No.1 to withdraw the case in crime No.36 of 2020, dated 16.02.2020 under Section 174 of Cr.P.C., on the file of the respondent No.3 and entrust the same to the respondent No.2 for fair investigation and file a final report before the competent Court.

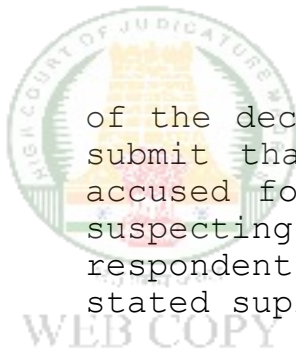
For Petitioners : Mr.I.Pinaygash

For R-1 : 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 withdraw the case registered in crime No.36 of 2020, dated 16.02.2020, under Section 174 Cr.P.C., pending on the file of the third respondent and entrust the same to the second respondent for fair investigation and to file the final report.

2.Today, when the petition is came up for hearing, the learned counsel appearing for the petitioner would submit that after registration of the case under Section 174 Cr.P.C., the third respondent herein had not examined the petitioner, who is the sister



of the deceased, as a witness to the occurrence. Further, he would submit that the third respondent is not even called the proposed accused for interrogation. Hence, only in the said circumstances, suspecting the nature of investigation conducted by the third respondent, the petitioner approaches this Court for the relief stated supra.

3.The learned Additional Public Prosecutor appearing for the respondents would submit that after registering the case, the third respondent had examined all the witnesses including the petitioner in this petition. As per postmortem certificate given by the Doctor, the deceased has not sustained any external injury except ligature mark found in her neck. According to him, viscera report has not received from the Forensic Department and therefore, the third respondent is not in position to come to a conclusion that the offence committed by the proposed accused is homicide or the deceased herself committed suicide.

4.Today, when the petition is came up for hearing, CD file and copy of the postmortem certificate are placed before this Court for perusal. It is true that after registering the case, the petitioner has also interrogated by the third respondent and thereafter, the statement given by the petitioner under Section 161 Cr.P.C., was also duly recorded. On going through the postmortem certificate enclosed along with CD file, it reveals the fact that in the dead body, there was a ligature mark found around the neck of the deceased. Since the ligature mark found in the neck of the deceased, there may be a chance for murder. Hence, this Court directs the second respondent to monitor the investigation in respect to the case in crime No.36 of 2020 pending on the file of the third respondent. Accordingly, this criminal original petition is disposed of.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /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.

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



To

- 1.The Superintendent of Police,
O/o. Superintendent of Police,
Tenkasi District.
- 2.The Deputy Superintendent of Police,
Tenkasi Sub Division,
Tenkasi District.
- 3.The Inspector of Police,
Sambavar Vadakarai Police Station,
Tenkasi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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SPU(12.08.2020) 3P 5C