



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.08.2020

CORAM:

THE HONOURABLE Mr.JUSTICE R.PONGIAPPAN

CRL OP(MD)No.7794 of 2020

Manikandan

... Petitioner /Defacto complainant

Vs.

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

2.The Deputy Superintendent of Police,
Vallam Sub Division, Thanjavur District.

3.The Inspector of Police,
Vallam Police Station, Vallam,
Thanjavur District.

... Respondents /Respondents

PRAYER: Petition filed under Section 482 of Criminal Procedure Code, praying to transfer the investigation in Crime No.629 of 2020 dated 08.05.2020 on the file of the third respondent to any other Superior Officer within the District on the basis of the representation to the first respondent through post.

For Petitioner : Mr.A.Thiruvadikumar

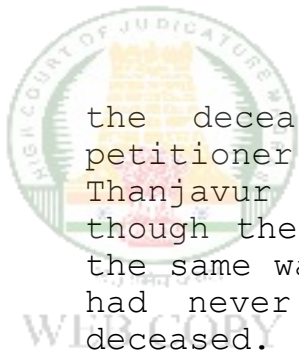
For Respondents : Mr.S.Chandrasekar
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking a direction to transfer the investigation in Crime No.629 of 2020 dated 08.05.2020 on the file of the third respondent to any other Superior Officer within the District, on the basis of the petitioner's representation to the first respondent through post.

2.Heard Mr.Manikandan, the learned Counsel appearing for the petitioner and Mr.S.Chandrasekar, learned Additional Public Prosecutor appearing for the respondents.

3.The case of the petitioner is that the deceased Subramanian, who was an agricultural collie, was the father of the petitioner. On 05.05.2020, the police officials attached to the third respondent, had summoned the deceased for enquiry alleging that he had indulged in theft of goats of one Karthikeyan on 01.05.2020, for which, the said Karthikeyan, had lodged a complaint on 03.05.2020. Thereafter, the deceased did not return to home and later, it was informed that



the deceased had consumed poison. The brother-in-law of the petitioner had rushed to the spot and admitted the deceased in Thanjavur Medical College Hospital. Further, it is stated that though the deceased was admitted to the Hospital on 05.05.2020 and the same was intimated to the third respondent, the third respondent had never chosen to visit and record the statement from the deceased. Thereafter, the deceased died on 08.05.2020. The petitioner has also lodged a complaint and after much hesitation, the third respondent had chosen to register the FIR under Section 174 Cr.P.C. Therefore, change of investigation is necessary to find out the truth.

4.Today, when the matter is taken up for hearing, the learned Additional Public Prosecutor appearing for the respondents, on instructions, would submit that during the time of investigation it was found that due to the reason that the theft committed by the deceased came to the knowledge of public, the deceased consumed poison and committed suicide, otherwise, there is no specific reason and also there is no instigation from others in the alleged offence. In this regard, he filed a status report given by the third respondent.

5.Considering the rival submissions made on either side and because of the reason that the death had occurred only due to the consumption of poison and also that there was no specific allegation against the said Karthikeyan, this Court is of the considered view that it is not a fit case to transfer the investigation.If at all the petitioner is having any grievance in respect of the investigation conducted by the respondent police, he is at liberty to file a petition for further investigation, after seeing the final report to be filed by the third respondent.

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

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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,
Thanjavur District,
Thanjavur.
- 2.The Deputy Superintendent of Police,
Vallam Sub Division,
Thanjavur District.
- 3.The Inspector of Police,
Vallam Police Station,
Vallam,
Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CRL OP(MD)No.7794 of 2020

SPU(25.08.2020) 3P 5C