



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.09.2020

CORAM:

THE HONOURABLE Mr.JUSTICE R.PONGIAPPAN

W.P (MD)No.8414 of 2020

D.Sethupathi

... Petitioner

Vs.

1.The Secretary to Government,
Home (Police V) Department,
Secretariat, St. George Fort,
Chennai - 600 009.

2.The Superintendent of Police,
Dindigul District.

3.The Inspector of Police,
Palani Taluk Police Station,
Dindigul District.

4.The Inspector of Police,
C.B.C.I.D.,
Dindigul District.

5.The Joint Director of Health Service,
Government Hospital,
Dindigul District.

... Respondents

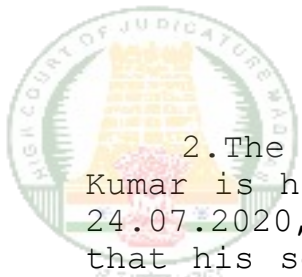
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the first respondent to withdraw the case in Crime No.730 of 2020 from the file of the third respondent and entrust the same to the file of the fourth respondent, so as to get along with the investigation.

For Petitioner : Mr.R.Anand

For Respondents : Mr.S.Chandrasekar
Additional Public Prosecutor

ORDER

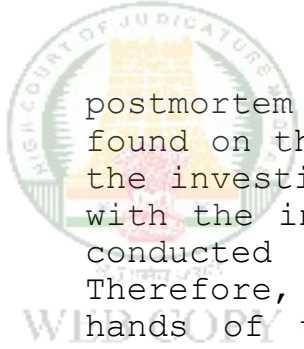
This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the first respondent to withdraw the case in Crime No.730 of 2020, from the file of the third respondent and entrust the same to the fourth respondent, for proper investigation.



2.The case of the petitioner is that the deceased viz., Mohan Kumar is his second son and he was studying upto VII Standard. On 24.07.2020, through his elder daughter, the petitioner came to know that his son Mohan Kumar did not return back to his home. Only on the next day i.e., on 25.07.2020, at about 9.00 a.m., on information, the petitioner found the dead body of Mohan Kumar just adjacent to the house of one Chitti babu, who is his neighbour. On seeing his son, the petitioner found in the right portion of his neck, there is a burning wound with firing object. The enquiry made by him revealed the fact that his son Mohan Kumar has been called by the parents of Chitti Babu, for doing some domestic work. Responding to the same, he has also gone to the house of the Chitti Babu, and he was also provided with dinner, for completing the work. After taking the dinner, since the petitioner's son had not heeded to their direction, they got wild and started beating him. Resultantly, Chitti Babu and his parents had taken him to the upstairs of their house and pushed him therefrom, as a result of which, he fell down. Suppressing the same, the third respondent Police proceeded the case in the manner that the petitioner's son died on account of electric shock. Without accepting the words of the petitioner, the third respondent colluded with the said Chitti Babu and his parents and attempted to suppress the real facts. Therefore, change of investigation is necessary in this case.

3.In response to the submissions made by the learned counsel appearing for the petitioner, the learned Additional Public Prosecutor appearing for the respondents would submit that in the First Information Report, the petitioner himself categorically stated that during the time when he was seeing the body of his son Mohan Kumar, he found some injuries on the dead body, which are likely to be caused due to electric shock. In this regard, the investigation reveals that when at the time the deceased Mohan Kumar attempted to cut the electric wire, which is having electricity supply, he was electrocuted and resultantly, he died. In fact, the said electric wire was kept by the said Chitti Babu without taking any due care and therefore, the case registered under Section 174 Cr.P.C., has been altered into Sections 304-A and 201 I.P.C and hence, the investigation conducted by the respondent Police is not having any infirmity and also not against the law contemplated.

4.Upon considering the arguments advanced by the learned counsel appearing on either side, it is true that the complaint given by the petitioner herein is the earliest document for the alleged occurrence. In the complaint, the petitioner had stated that the deceased having some burning wound. So, the said circumstance is really in support of the investigation now conducted by the third respondent Police. If really, as alleged by the petitioner, the said Mohan Kumar fell down from the upstairs from the Chitti Babu's house, definitely, there will be a chance for causing some fracture. But, in this case, on a close reading of the



postmortem report, it would reveal the fact that no such injury was found on the dead body of the said Mohan Kumar. At any event, since the investigation is at the threshold stage, I do not find any fault with the investigation conducted by the third respondent, as he has conducted the investigation after adhering the law prescribed. Therefore, it is not necessary to change the investigation from the hands of the third respondent to any other agencies. However, considering the grievance addressed by the petitioner, it would be appropriate to direct the Deputy Superintendent of Police, Palani, to monitor the investigation conducted by the third respondent, viz., Inspector of Police, Palani Taluk Police Station, Dindigul District. Accordingly, the Deputy Superintendent of Police, Palani, is directed to monitor the investigation conducted by the third respondent periodically till the filing of final report.

5.This Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (CS-II)

// 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 Secretary to Government,
Home (Police V) Department,
Secretariat, St. George Fort,
Chennai - 600 009.
- 2.The Superintendent of Police,
Dindigul District.
- 3.The Inspector of Police,
Palani Taluk Police Station,
Dindigul District.
- 4.The Inspector of Police,
C.B.C.I.D.,
Dindigul District.



5.The Joint Director of Health Service,
Government Hospital,
Dindigul District.

6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:-

The Deputy Superintendent of Police,
Palani.

W.P (MD) No.8414 of 2020
17.09.2020

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SDS (28.09.2020) 4P-8C