



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.08.2020

CORAM:

THE HONOURABLE Mr.JUSTICE R.PONGIAPPAN

CRL OP(MD)No.8617 of 2020

Karupaiah

... Petitioner

Vs.

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

2.The Inspector of Police,
Sambattividuthi Police Station,
Pudukkottai District
(Crime No.230 of 2020)

3.The Inspector of Police,
CBCID,
Pudukkottai.

... Respondents

PRAYER: Petition filed under Section 482 of Criminal Procedure Code, to transfer the investigation in Crime No.230 of 2020, dated 18.06.2020 pending on the file of the 2nd respondent police to the 3rd respondent investigating agency.

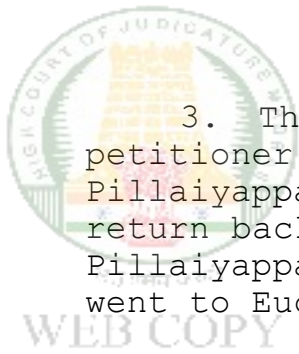
For Petitioner : Mr.D.Rameshkumar

For Respondents : Mr.A.P.G.Ohm Chairma Prabhu
Govt.Advocate (Crl.Side)

O R D E R

This Criminal Original Petition has been filed to transfer the investigation in Crime No.230 of 2020, dated 18.06.2020 pending on the file of the 2nd respondent to the 3rd respondent investigating agency.

2. The learned counsel appearing for the petitioner would submit that in earlier, based on the complaint given by the petitioner, the 2nd respondent police registered a case in Crime No.230 of 2020, under Section 174 of Cr.P.C.,



3. The case of the petitioner is that on 17.06.2020, the petitioner's father Thangarasu went along with his friend viz., Pillaiyappan to the neighbouring village and thereafter, he did not return back in the night. While the same was enquired with the said Pillaiyappan, it was replied by him that the petitioner's father went to Eucalyptus Farm belongs to one Thangavelu.

4. In the meanwhile, on 18.06.2020, it was informed by one Kumarasamy, who is business friend of the petitioner's father that the dead body of Thangarasu was found in a well. After hearing the same, due to the tension, the mother of the petitioner informed the police that by accidentally petitioner's father fell inside the said well and they have no doubt in his death.

5. Only thereafter, the petitioner came to know that one Anjalai belongs to the same village having illicit relationship with the deceased Thangarasu and the said Anjalai had chatting to the father's cellphone till 9.30 p.m., on 17.06.2020. Further enquiry reveal that only the said Anjalai informed Kumarasamy about the dead body of Thangarasu, who in turn, informed the same to the petitioner. Therefore, there was a suspicion over the death of his father. Accordingly, the learned counsel prayed to change the investigation in Crime No.230 of 2020, pending on the file of the 2nd respondent to the file of the 3rd respondent Investigating Agency.

6. The learned Government Advocate appearing for the respondents, on instructions, would submit that after registering the case, most of the investigation has been completed and now the Investigating Officer is yet to receive the chemical examination report, which is necessary for knowing the cause of death. Therefore, transferring the investigation in this case is not necessary.

7. Upon considering the arguments advanced by either side it is not in dispute that before registration of the FIR, the dead body of the Thangarasu was found in a well, which is not having any water. Further, there were injuries all over the body of the deceased. Moreover, after registering the case, the postmortem has also been conducted, as per the request made by the Investigating Officer. In the said circumstances, only after receiving the report from the Doctor and also from the Forensic Science Department, the Investigating Officer has to come to a conclusion that the death is due to homicide or due to accident. So, in the said circumstances, changing the investigating to some other agency will create more confusion in the process of investigation. However, considering the averments found in the petition filed by the petitioner it is appropriate to direct the Deputy Superintendent of Police, Pudukottai, to monitor the investigation in Crime No.230 of 2020, which is pending on the file of the 2nd respondent police till the

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



8. With the above directions, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS-III)

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Sub Assistant Registrar(CS)

MPK

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,
Pudukkottai District,
Pudukkottai.
2. The Inspector of Police,
Sambattividuthi Police Station,
Pudukkottai District
(Crime No.230 of 2020)
3. The Inspector of Police,
CBCID,
Pudukkottai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to :The Deputy Superintendent of Police,
Pudukkottai.

**CRL OP(MD)No.8617 of 2020
31.08.2020**

CS(10.09.2020) 3P 6C