



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.08.2020

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl.O.P.(MD)No.8579 of 2020

P.Karthikeyan

.. Petitioner

Vs.

1. The Superintendent of Police
Theni District,
Theni.
2. The Deputy Superintendent of Police,
Bodinayakkanur,
Theni District.
3. The Inspector of Police
Chinnamanur Police Station,
Theni District
Cr.No.1003/2020
4. The Deputy Superintendent Of Police,
CBCID,
Theni District,
Theni.

.. Respondents

Prayer : This Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondents herein to transfer the investigation of the case in Crime No.1003 of 2020 on the file of third Respondent Police to any other police station more preferably to the officer of the fourth Respondent.

For Petitioner : Mr.H.Mohammed Imbar
for M/s.Ajmal Associates

For Respondents : Mr.M.Chandrasekar
Additional Public Prosecutor

ORDER

This Petition has been filed to direct the respondents herein to transfer the investigation of the case in Crime No.1003 of 2020 on the file of the third Respondent Police to any other police station more preferably to the file of the fourth Respondent.



2. On the side of the petitioner, it is stated that the petitioner's elder son Mr.Dineshkumar has gone out of the home on 22.05.2020 at about 5.30 pm.. On the next day ie. on 23.05.2020, at about 11.30 am., the petitioner was informed that the body of Dineshkumar was found near Mullaiperiyar Bridge. A case was registered in Crime No.1003 of 2020, under Section 174 Cr.P.C. The petitioner is not satisfied with the investigation and the petitioner prayed the case to be transferred to some other police station.

3. On the side of the petitioner, it is further stated that the son of the petitioner was having love affairs with one Selvambigai D/o. Soundarrajan. His son was heavily beaten up by the said Soundarrajan , Karpagavalli, Selvaraman and one Sivasubramanian, Ex. Councilor of that area. Subsequently, he was taken to the Mullaiperiyar bridge and they thrown the body in the river. The petitioner's son succumbed to the injuries. The police are trying to close the case as a suicide case. The respondents 2 and 3 are biased. The right of the investigation is a constitutional right guaranteed under Article 21 of the Constitution of India and prayed the investigation to be transferred to some other police.

4. The learned Additional Public Prosecutor appeared for the respondents.

5. On the side of the prosecution, it is stated that the *post mortem* certificate clearly reveals that there is petechial haemorrhages noted in both eyes, this will happen only due to drowning. The deceased died not due to any injuries only minor injuries are available on the body of the deceased and the cause of the death is only due to drowning and the investigation is proper and prayed the petition to be dismissed.

6. Heard the learned counsel on either side and perused the materials available on records.

7. It is seen that there are minor injuries on the body of the deceased and there is a skull injury and the opinion of the Doctor for the cause of death is reserved pending chemical examination report. What is the cause for the drowning also is to be investigated.

8. In the above circumstances, the first respondent is hereby directed to take up the case on his file and to follow the investigation with the help of some other Deputy Superintendent of Police.



9. With the above direction, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar ()

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// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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
Theni District, Theni.
2. The Deputy Superintendent of Police,
Bodinayakkanur, Theni District.
3. The Inspector of Police
Chinnamanur Police Station,
Theni District
4. The Deputy Superintendent Of Police,
CBCID, Theni District ,
Theni.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P.(MD)No.8579 of 2020

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CS (28.08.2020) 3P 6C