



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.08.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **R. PONGIAPPAN**

CrI.O.P.(MD)No. 8809 of 2020

and

CrI.M.P.(MD) No.4153 of 2020

Rajamani

... Petitioner

Vs.

1.The Inspector General of Police (South Zone)
Office of the Inspector General of Police (South Zone)
New Natham Road, Madurai.

2.The Additional Director General of Police (CB-CID)
Office of the Additional Director General of Police
Beach Road, Chennai.

3.The Superintendent of Police
Office of the Superintendent of Police
Sivagangai District.

4.The Inspector of Police
Pulankurichi Police Station,
Sivagangai District.(Crime No. 82 of 2020

...Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the first respondent to withdraw the case in Crime No.82 of 2020 on the file of the fourth respondent and entrust the same to the second respondent for completing the investigation within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.S.Chandrasekar
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking direction to the first respondent to withdraw the case in Crime No.82 of 2020 on the file of the fourth respondent and entrust the same to the second respondent for completing the investigation within the time stipulated by this Court.



2.The learned counsel appearing for the petitioner would submit that, based on the complaint given by the petitioner, the fourth respondent herein registered a case in Crime No.82 of 2020, for the offence under Section 174 of IPC. Now the Investigation Officer is about to close the investigation, further in respect to the cause of death while seeing the photograph of the deceased, which was taken immediately after the occurrence, reveals that the deceased sustained multiple injuries and thereby death of the deceased may be due to 'homicide'. In this regard, the fourth respondent / Investigation Officer did not focus the investigation on the said angle. According to him, the deceased was murdered during the time of occurrence and therefore, it is necessary to change the investigation from the hands of the fourth respondent.

3.Mr.S.Chandrasekar, learned Additional Public Prosecutor appearing on behalf of the respondents 1 to 4, on instructions, would submit that after registering the above referred case on 09.07.2020, the fourth respondent herein examined 24 witnesses and recorded their statements. All of them had stated before the Investigation Officer that due to family dispute, the deceased Muthupandi, committed suicide. Therefore, the prayer sought for by the petitioner is not at all having any merits and therefore, he prays to dismiss the petition.

4.Upon considering the arguments advanced by either side, it is not in dispute that only the injuries and the other things found in the dead body has to show the prima facie evidence in respect to the cause of death. In this regard, now on going through the copy of Post-Mortem Certificate, in respect of the deceased Muthupandi, the Doctor who conducted the Post-Mortem mentioned about the external injuries as follows :

"Ligature marks present on neck from right side behind right ear to left side behind ear. Its about oblique ligature about 10 cm. from centre of neck to right side and 12 cm. from centre of neck to left side. No other external injuries."

So the said injuries noted by the Doctor in the Post-Mortem Certificate clearly proved the fact that the cause of death of the deceased is due to 'suicide'. In otherwise, we cannot find fault in the process of investigation conducted by the fourth respondent. In the petition filed by the petitioner, he did not make any specific allegations in respect of the investigation conducted. Therefore, in the said circumstances only after completing the investigation, we have to find out the complete form of occurrence and find out the truth and therefore, changing the investigation is not necessary, at this stage. Accordingly, the petition filed by the petitioner is devoid of merits.



5. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

WEB COPY

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 Inspector General of Police (South Zone)
Office of the Inspector General of Police (South Zone)
New Natham Road, Madurai.
2. The Additional Director General of Police (CB-CID)
Office of the Additional Director General of Police
Beach Road, Chennai.
3. The Superintendent of Police
Office of the Superintendent of Police
Sivagangai District.
4. The Inspector of Police
Pulankurichi Police Station,
Sivagangai District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

CrI.O.P.[MD]No. 8809 of 2020
26.08.2020

rm

SDS (08.09.2020) 3P-6C