



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.06.2020

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1.O.P(MD)No.6607 of 2018

M.Sivajothi

... Petitioner

Vs.

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

2.The Inspector of Police,
Melur Police Station,
Melur Circle,
Madurai District.
(Crime No.322 of 2017)

3.The Inspector of Police,
C.B.C.I.D.,
Madurai.

4.The Inspector of Police,
Thalavaipuram Police Station,
Virudhunagar District.

... Respondents

(R4 suo motu impleaded as per order of this
Court dated 02.03.2020 in Cr1.O.P.(MD)
No.6607 of 2018)

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the 1st respondent to transfer the investigation in Crime No.322 of 2017 pending on the file of the 2nd respondent police to the 3rd respondent to investigate and file the final report.

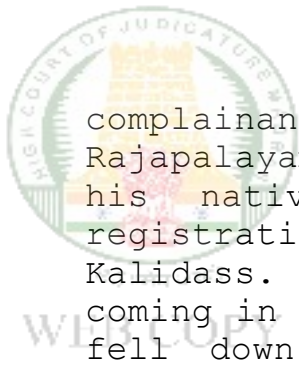
For Petitioner : Mr.M.Kannan

For respondents : Mr.A.Robinson,

Govt. Advocate (Cr1. Side)

O R D E R

The petitioner seeks transfer of investigation in Crime No.322 of 2017 pending on the file of Melur Police Station. The defacto

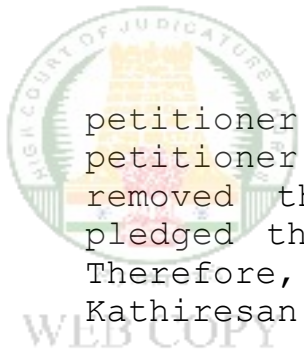


complainant in this case is one Kathiresan S/o.Rajapandiyan, Rajapalayam. According to him, he was returning from Chennai to his native place along with Kalidass in a bike bearing registration No.T.N.84 A 4091. The vehicle was being ridden by Kalidass. On 24.03.2017 at about 05.30 a.m., when they were coming in the highway, the vehicle hit the median and both of them fell down. Kalidass suffered head injury while the defacto complainant/Kathiresan is said to have suffered minor laceration. Kalidass as well as the defacto complainant were rushed to Melur Government Hospital. Kalidass died en-route.

2.The said Kalidass is none other than the son of the petitioner herein. Sivajothi is working as Thasildar in Virudhunagar. Her parents hail from Mugavur Village, Rajapalayam Taluk. Both the parents were afflicted with cancer and they were taking treatment in Chennai. Their house kept under lock and key and it was accessed by the children of the petitioner herein. In the month of May 2017, it came to be known that the jewels kept in the locker in their native place had been illegally removed and the same had been pledged with a certain financial institution. Therefore, the petitioner lodged a complaint with Thalavaipuram Police Station leading to registration of Crime No.202 of 2017 for the offences under Section 380 of I.P.C. The defacto complainant in Crime No.322 of 2017 is figuring as the sole accused in the said FIR. In the investigation, it has been revealed that Kathiresan had pledged the jewels belonging to the petitioner's family. Therefore, the petitioner is suspecting that Kathiresan would have engineered the death of her son Kalidass and that is why, she wants transfer of investigation in Crime No.322 of 2017.

3.This Court called upon the learned Government Advocate (Crl. Side) to file a status report through the jurisdictional Deputy Superintendent of Police. The D.S.P., Melur, has filed a detailed status report.

4.I carefully went through the contents of the said status report. The D.S.P., has categorically stated that the occurrence had taken place in the highway, where there is a bend. The occurrence had taken place at about 05.30 a.m. While Kalidass had fallen down at the distance of ten metres from the spot, Kathiresan fell down on the grass portion and that is why he was able to escape with simple injuries. Kalidass had fallen down on the rain water channel and that is how he suffered head injury. The medical evidence also corroborates the accident theory. The D.S.P., had also gone through the report of R.T.O. On a careful perusal of the entire status report, I am satisfied that the occurrence that is the subject matter of Crime No.322 of 2017 is a pure accident and the suspicion of the petitioner that it is a case of murder has no basis. I can understand the feeling of the



petitioner who is the mother of deceased. It appears that the petitioner's son and the said Kathiresan had joined hands and removed the jewels belonging to the petitioner's family and pledged the same and had used the profits for private purpose. Therefore, the petitioner is entertaining a suspicion that Kathiresan is responsible for the death of her son.

5.I am of the view that the petitioner has to only proceed with her case in Crime No.202 of 2017. The learned Government Advocate (Crl. Side) states that the theft case has culminated into final report and taken on file as C.C.No.40 of 2018 on the file of the learned Judicial Magistrate, Rajapalayam. It is now posted for examination of witnesses on 24.08.2020. The learned Judicial Magistrate is requested to expedite the trial and conclude the same on merits and in accordance with law within a period of four months therefrom. With these directions, this criminal original petition is disposed of.

Sd/-

Assistant Registrar (AD II)

// True Copy //

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Sub Assistant Registrar(CS)

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To:

- 1.The Judicial Magistrate, Rajapalayam.
- 2.The Superintendent of Police,
Madurai District,
Madurai.
- 3.The Inspector of Police,
Melur Police Station,
Melur Circle,
Madurai District.
- 4.The Inspector of Police,
C.B.C.I.D.,
Madurai.



5.The Inspector of Police,
Thalavaipuram Police Station,
Virudhunagar District.

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

Crl.O.P (MD) No. 6607 of 2018
03.06.2020

KM (10.06.2020) 4P 7C