



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2020

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P. (MD) No.10019 of 2016

WEB COPY

A.Hithyathullah

... Petitioner

Vs.

1. The Director General of Police,
O/o. The Director General of Police,
Beach Road,
Chennai - 600 004.
2. The Superintendent of Police,
CBCID, No.3, SIDCO Electronics Complex,
I Floor, Guindy, Chennai - 32.
3. The Superintendent of Police,
O/o.the Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.
4. The Inspector of Police,
Thondi police station,
Thondi,
Ramanathapuram.

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to transfer the investigation of the case in Crime No.102 of 2016 on the file of the fourth respondent to the second respondent.

For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.A.Robinson,
Government Advocate(Crl. Side).

* * *

O R D E R

The petitioner is the defacto complainant in Crime No.102 of 2016 registered on the file of Thondi police station. The said case was registered following the tragic death of one Mohamed Bayaz who was brought up by the petitioner like his own son. The incident had taken place between 2nd and 3rd of May 2016. The petitioner specifically alleges that the death of the Mohamed Bayaz was due to involvement of some persons in the neighbourhood. He has also specifically named them. The petitioner's counsel produced photographs to show that the body of Mohamed Bayaz showed injuries on the face. He also raised quite a few other suspicious circumstances.

2. The learned Government Advocate(Crl. Side) on instructions
<https://hcservices.ecourts.gov.in/hcservices/>



submitted that the medical opinion clearly ruled out homicidal violence. In this case, the injury found on the face can be happened due to contact with some rocky surface. The doctor had clearly ruled that the deceased would have died of Asphyxia due to drowning. According to the investigation, the death was due to accidental drowning.

3. Taking note of the apprehensions and concerns expressed by the petitioner's counsel, I direct the fourth respondent to file final report before the jurisdictional Court within a period of four weeks from the date of receipt of a copy of this order. The third respondent is specifically mandated to vet the final report and the final report will be filed before the jurisdictional Court only after the third respondent is fully satisfied about its correctness. The petitioner will be associated by the fourth respondent before filing final report.

4. The petitioner will be at liberty to file protest petition. It is made clear that the protest petition if filed by the petitioner herein will be considered by the jurisdictional Magistrate on merits and it will not be given mechanical disposal.

5. I am constrained to make this observation that whenever protest petition is filed by the complainant, it is simply closed and RCS is recorded and liberty is given to the aggrieved complainant to file a private complaint. In the case on hand such a course of action is not open to the petitioner. Therefore, the correctness or otherwise of the final report will be decided by the Magistrate in the light of the objections that may be filed by the petitioner and if the petitioner's objections are found sustainable, the Court will have to reject the final report and order further investigation.

6. The criminal original petition stands dismissed, accordingly.

Sd/

Assistant Registrar(CS II)

/True copy/

/ /2020

Sub Assistant Registrar

pmu

To:

1. The Director General of Police,
O/o. The Director General of Police,
Beach Road, Chennai - 600 004.



2. The Superintendent of Police,
CBCID, No.3, SIDCO Electronics Complex,
I Floor, Guindy, Chennai - 32.
3. The Superintendent of Police,
O/o the Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.
4. The Inspector of Police,
Thondi police station, Thondi, Ramanathapuram.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Cr1.O.P.(MD)No.10019 of 2016
11.02.2020

KK/SAR/26.02.2020/3P-6C