



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2020

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P. (MD) .No.7301 of 2016

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Vishwanathan

...Petitioner

Vs.

1.The Director General of Police,
Kamarajar Salai, Mylapore,
Chennai-600 004.

2.The Superintendent of Police,
O/o. The Superintendent of Police,
Ramanathapuram.

3.The Deputy Superintendent of Police,
O/o. The Superintendent of Police,
Mudhukulathur, Ramanathapuram District.

4.The Inspector of Police,
Peraiyur Police Station,
Ramanathapuram District.

5.The Superintendent of Police,
C.B.C.I.D., Admiralty House,
Chennai.

...Respondents

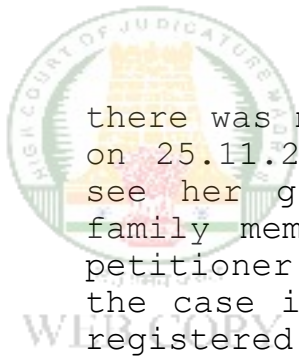
PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to direct the first respondent to transfer the investigation in Crime No.81 of 2015, pending on the file of the fourth respondent to the fifth respondent.

For Petitioner	: Mr.R.Ganeshprabu
For Respondents	: Mr.K.Suyambulinga Bharathi Government Advocate (Crl. side)

O R D E R

The petitioner herein is the brother of one Gomathi and son of Lakshmi, has filed this petition under Section 482 Cr.P.C. to transfer the investigation in Crime No.81 of 2015, pending on the file of the fourth respondent to the file of the fifth respondent.

2. The short facts involved in this case is that Gomathi married to one Kalimuthan, son of Ramalingam, was murdered on 10.09.2015, by her husband and two others. The case in Crime No.60 of 2015, under Section 174 of Cr.P.C., was registered. However,



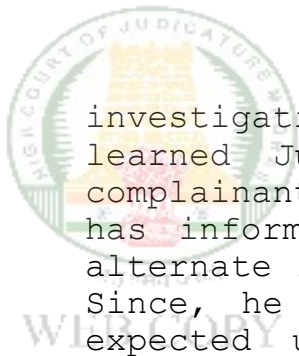
there was no proper investigation in that aspect. In the meanwhile, on 25.11.2015, when the petitioner's mother viz., Lakshmi want to see her granddaughter, she was humiliated by Kalimuthan and his family members, which instigated Lakshmi to commit suicide. The petitioner gave a complaint to the fourth respondent about this and the case in Crime No.81 of 2015, under Section 174 of Cr.P.C., was registered.

3. The petitioner herein contends that he has a strong suspicion that the Police is in hand in gloves with Kalimuthan and his family members and therefore, they have not properly investigated either the death of his sister or the death of his mother. The petitioner being a deaf and dumb person is not able to persuade the matter with the indifferent fourth respondent Police and seeks for transfer of investigation to the fifth respondent viz., C.B.C.I.D.

4. The learned counsel appearing for the petitioner submits that in the case of the petitioner's sister viz., Gomathi death, he approached this Court and pursuant to the direction of this Court, a case under Section 306 I.P.C., has been registered against the accused persons and the matter is pending trial. Whereas, in this case in Crime No.81 of 2015, he appends that the Police may close the case without proper investigation and sought for transfer of investigation.

5. The fourth respondent herein has filed a counter, wherein, he has stated that based on the complaint regarding the unnatural death of Lakshmi, mother of the petitioner, an F.I.R., in Crime No.81 of 2015, under Section 174 of Cr.P.C., was taken up for investigation. In the course of investigation, postmortem was conducted and viscera report was sent to chemical examination. In the inquest, public opined the death of the deceased was due to poisoning. However, the viscera report indicates that the deceased could have died of cardiac arrest and respiratory failure. No poisonous substances are detected in any of her body.

6. The third respondent / Deputy Superintendent of Police has also filed a counter reiterating what stated by the Investigating Officer and it is submitted by the Deputy Superintendent of Police that the investigation in Crime No.81 of 2015, already closed as "Action Dropped" and a final report has filed before the learned Judicial Magistrate, Kamudhi, on 01.07.2016 under the caption "Action Dropped" and therefore, nothing survives for further adjudication in the present Criminal Original Petition. This counter has been filed on 16.08.2016, after serving a copy to the learned counsel appearing for the petitioner on the same day. However, the matter has been taken up for final disposal only today i.e., (02.03.2020). From the counter, this Court finds that after the receipt of the viscera report and the postmortem report, the



investigation has been closed and the same has been reported to the learned Judicial Magistrate, Kamudhi. However, the *de facto* complainant has not been informed about the closure report and if he has informed in time, he would have taken recourse to the other alternate remedy available to him like filing the protest petition. Since, he was not informed about the closure report formally as expected under law, the valuable right of filing the protest petition has been delayed.

7. In any event, having now come to know about the closure report, it is open to the petitioner herein to take recourse to the other procedure under law for the said purpose. The fourth respondent is directed to furnish a copy of the final report to the petitioner within a period of two months from today ie., (02.03.2020) and also ensure and inform the petitioner, the exact date on which the final report has been furnished to the Court.

8. In the result, this Criminal Original Petition stands dismissed accordingly.

Sd/-

Assistant Registrar (CS II)

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/ /2020

Sub Assistant Registrar(CS)

tsg

To

1.The Director General of Police,
Kamarajar Salai, Mylapore,
Chennai-600 004.

2.The Superintendent of Police,
O/o. The Superintendent of Police,
Ramanathapuram.

3.The Deputy Superintendent of Police,
O/o. The Superintendent of Police,
Mudhukulathur, Ramanathapuram District.

4.The Inspector of Police,
Peraiyur Police Station,
Ramanathapuram District.

5.The Superintendent of Police,
C.B.C.I.D., Admiralty House,
Chennai.



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

Order made in
Crl.O.P. (MD) .No.7301 of 2016

Dated
02.03.2020

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KK/09.03.2020/ 4P- 7C

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