

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2021

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Cr1.O.P No.755 of 2021

Kalavathy,
W/o.Late Soundararaj

..Petitioner/Defacto Complainant

vs.

1. The Superintendent of Police,
Office of the Superintendent of Police,
Chengalpet,
Chengalpet District.

2. The Inspector of Police,
Chengalpet Taluk Police Station,
Chengalpet,
Crime No.485 of 2019

3. The Inspector of Police,
CBCID, Kancheepuram,
Kancheepuram District.

..Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to transfer the FIR pending in Crime No.485 of 2019 dated 09.09.2019 from the file of the Second Respondent police to the Third Respondent for investigation.

For Petitioner : Mr.M.Jaikumar

For Respondents: Mr.Mohammed Riyaz

Additional Public Prosecutor

ORDER

The Criminal Original Petition has been filed seeking for transfer of investigation in Crime No.485 of 2019 pending on the file of the second respondent.

2. The respondent has filed a status report in this case. The relevant portions in the status report are extracted hereunder:

"2. It is submitted that the case of the prosecution is that on 09.09.2019 at about

11.00 hours the petitioner/Defacto complainant namely Kalavathi lodged a complaint before the respondent police by stating that deceased namely Tr.Soundhara rajan, aged about 60 years and he was working as Head of Department for Economic Department in Pachayaiappa Natar College, Chennai. Thereafter, deceased has ancestral property at Pazhraveli Village, Chengalpet District and part of the said property is also situated near Pazhraveli Bypass. While deceased used to visit the above said property regularly and on 03.09.2019 left Chennai stating that he is going to Chengalpet. On 06.09.2019 there was quarrel between him and neighboring land owner of the above said property. The deceased informed about the said property. The deceased informed about the above quarrel to Singaravelu through phone on 07.09.2019 and after then. The Complainant could not contact her husband since he did not pick up his phone and on 09.09.2019 complaint received a phone call stating that her husband body was found dead in well at Pazharaveli Village and she was asked to identify the body by the second respondent police. The complainant further submits that between deceased and some persons at Pazhraveli Village there is enmity in respect of above said property. Hence, this complaint.

3. I submit that based on the above complaint, a case was registered in Chengalpet Taluk P.s. Cr.NO.485 of 202, U/s.174 Cr.PC. on 09.09.2019 at about 11.00 hours by Tr.Manikandan.S, the then Sub Inspector of Police, Chengalpet Taluk P.S. and submitted the same before me for investigation.

4.I submit that on the same day at about 00 hours, I have conducted inquest on the deceased body at Govt. Hospital, Chengalpet in the presence of Panchayatars. Thereafter, the deceased body was sent for postmortem, after completion of Postmortem, the deceased body was handed over to the complainant herein.

5. I submit that during the course of investigation, on 10.09.2019, I have

obtained Post Mortem Certificate from Dr.N.Karthikeyan,M.D., Assistant Professor, Department of Forensic Medicine Chengalpettu Government Medical, and recorded his statement, which reveals that "the deceased would appear to died of asphyxia due to drowning.

6. I submit that after completion of elaborate and detailed investigation, on, I have closed this case in Crime No.485 of 2019 as Further Action Dropped" and served R.C.S.Notice vide No.95 of 2019 to the Petitioner/defacto complainant, but the same was given by her and filed final report along with the R.C.S.Notice before Judicial Magistrate-II, Chengalpet."

3. The learned counsel for the petitioner submitted that the petitioner has not been served with R.C.S. Notice till date and she was not aware about the Referred Charge Sheet filed by the respondent Police.

4. Taking into consideration the facts and circumstances of the case and also the status report filed by the second respondent, liberty is granted to the petitioner to file a protest petition before the Court below, if she is aggrieved with the referred charge sheet filed by the respondent police and the Court below shall consider the same on its own merits and in accordance with law.

5. This Criminal Original Petition is disposed of accordingly.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

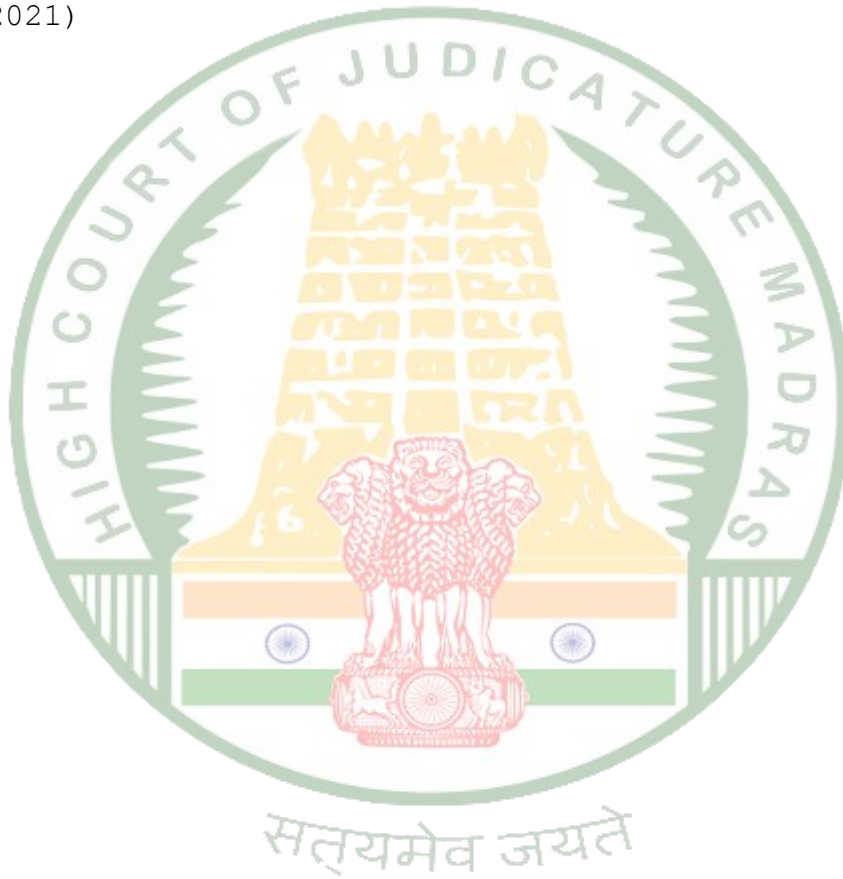
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+1 CC to Mr.M.Jaikumar, Advocate sr 8338.

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PP (CO)
SP (12/03/2021)



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