

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 25.09.2020
PRONOUNCED ON : 10.03.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.29981 of 2015

R.Banumathy

...Petitioner

Vs.

1.The Inspector of Police,
Sriperumbudur Police Station,
Kanchipuram District.

2.The Superintendent of Police,
Kanchipuram District,
Kanchipuram.

3.The Inspector General of Police,
CB-CID, Kanchipuram District.

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to transfer the investigation of the case in Crime No.336 of 2015, on the file of the 1st respondent to the file of the 3rd respondent and to issue suitable direction to the 3rd respondent to investigate the case and to file a final report before this Court.

For Petitioner : Mr.G.A.Thiyagarajan

For Respondents : Mr.C.Iyyappa Raj,
Additional Public Prosecutor

सत्यमेव जयते

O R D E R

This Criminal Original Petition has been filed praying to transfer the investigation of the case in Crime No.336 of 2015, on the file of the 1st respondent to the file of the 3rd respondent.

2. The factual matrix of the case is that the petitioner's son viz., R.Ramajayam Ramakrishnan was studying first year E.E.E in Rajalakshmi Engineering College at Thandalam. During May-June 2015, one Mr.Tamil Selvan, the Administrative Officer of the Rajalakshmi Engineering College, called the petitioner to

the College and informed that her son was involved in a fight with other college students and so he was suspended from the College. The petitioner learned that due to some rivalry, a group of students from S.R.M. College, along with some rowdies broke open into the hostel room of them and attacked severely. When the matter was taken to the administration of the college, instead of taking action against the trespassers, the students, including the son of the petitioner were warned and suspended from the College. Hence, petitioner arranged a private accommodation for the petitioner's son.

3. On 21.05.2015, the petitioner's started from Cuddalore and in the early, when the petitioner was crossing Chenglapet, the petitioner received a message that her son had met with an accident. The petitioner rushed to the spot and she was informed that her son died of accident. On seeing the deadbody of her son, the petitioner became unconscious. Subsequently, when the petitioner recovered, the 1st respondent managed to take the signature of the petitioner and registered an FIR that her son had been hit by an unknown vehicle.

4. Thereafter, the 1st respondent informed the petitioner that the postmortem had been done and she could collect her son's body. Only when the dead body had been prepared for cremation, the petitioner and her family members were shocked to notice that no postmortem had been done on the dead body of her son. Later, the petitioner contacted the room mates and classmates of the petitioner's son, they showed some initial hesitation to talk about the death of the petitioner's son and when questioned, they switched off their mobile phones. Later, she came to know that it was because on the threat of the Administrative Officer of the said College.

5. The learned counsel appearing for the petitioner submitted that the petitioner suspected that the petitioner's son viz., R.Ramajayam Ramakrishnan was murdered by the Administration of the College, viz., 'Rajalakshmi Engineering College at Thandalam, Near Sriperumbudur, Kanchipuram District, in which he studied. She made specific complaint against Tamil Selvan, Administrative Officer of the College, who took severe action against her son for the previous fight between Rajalakshmi Engineering College students and SRM College Students. The petitioner had filed photographs of her son lying in the stretcher, Motor Vehicle Report, Death Report and her complaint to police officials. But, the case was converted into one of hit and run motor accident case and the case was registered not under 302 IPC. Hence, the petitioner moved this Court for transfer of investigation.

6. The learned Additional Public Prosecutor appearing for the respondents, on instructions, would submit that the death was not a murder, as contended by the petitioner, and that the Observation Mahazar, Rough Sketch prepared by the police at the place of occurrence and the Medical Report and statement of witnesses would be enough to conclusively arrive at a conclusion that the death of the deceased was not a murder and it was only an accident. He would further submit that the friends of the deceased not complained, gave any statement to the effect that the death of the deceased suspected to be a murder. Based on the above said materials, the learned Additional Public Prosecutor submitted that the respondent conduct of the investigation of the case, so far conducted, is in a fair and impartial manner and hence, the plea for change of investigating officer to be rejected as untenable.

7. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor for the respondents.

8. The point that arises for consideration in this petition is

- (i) "whether there is failure on the part of the respondent to conduct investigation in a fair and unbiased manner? and
- (ii) "whether the investigation of the case is to be entrusted to the CB-CID on the ground of failure on the part of the 1st respondent to conduct the investigation in a fair and unbiased manner or on any other account?"

9. On perusal of the materials produced and on the submissions it is seen that the photographs of the petitioner's son, lying in the stretcher is before postmortem. From the photographs it is seen that the petitioner's son had sustained head injuries. Admittedly, her son was not wearing helmet, while riding the motor bike. The Accident Register reveals laceration and abrasions denoting to the victim had fell and drag, the motor vehicle inspection report shows front wheel rim broken, front wheel tyre puncture and other damages. The postmortem report of the Government Hospital, Sriperumbadur, shows skull injuries on the left parietal, frontal, transverse linear fracture extending to right parietal region. The victim had died due to "shock and internal Haemorrhage due to severe head injury" leading to inference that the petitioner's son had died due to motor accident and not due to murder, as suspected by the petitioner.

10. In view of the same, finding no reason to transfer the investigation, this Criminal Original Petition is dismissed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

MPK

To

1.The Inspector of Police,
Sriperumbudur Police Station,
Kanchipuram District.

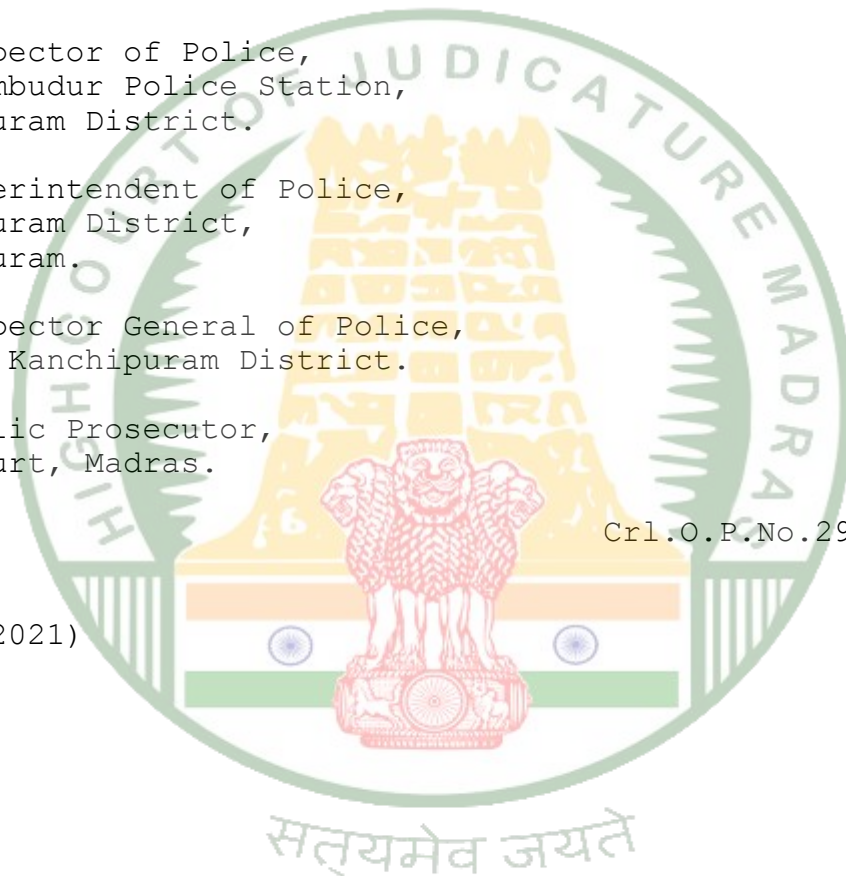
2.The Superintendent of Police,
Kanchipuram District,
Kanchipuram.

3.The Inspector General of Police,
CB-CID, Kanchipuram District.

4.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.29981 of 2015

GP (CO)
SP (15/04/2021)



WEB COPY