

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.04.2021

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE Mr.JUSTICE R.PONGIAPPAN

W.P.No.8839 of 2021

Bhackiyaa

.. Petitioner

Vs.

1.The Superintendent of Police
Cuddalore District
Cuddalore

2.The Special Sub Inspector of Police
Sirupakkam Police Station
Cuddalore District

3.The Additional Director General of Police
CB CID, Guindy
Chennai-32

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus directing the 1st respondent to transfer the investigation in Crime No.20 of 2021 on the file of the Special Sub Inspector of Police, Sirupakkam Police Station, the 2nd respondent herein to the Additional Director General of Police, CB CID, Guindy, Chennai-32, the third respondent herein, by considering the representation of the petitioner dated 27.01.2021 on the file of the 1st respondent herein.

For Petitioner : Mr.M.Velmurugan

For Respondents : Mr.R.Prathap Kumar
Additional Public Prosecutor

O R D E R

[Order of the Court was made by P.N.PRAKASH, J.]

It is the case of the petitioner that there is a foul play in the death of her husband Venkatesan and therefore, she gave a representation dated 27.01.2021 to the police, which has not

been considered by them and therefore, she has filed the present writ petition with the above prayer.

2. On instructions, the learned Additional Public Prosecutor submitted that the body of the petitioner's husband Venkatesan was found in the well of the lands belonging to the father of Venkatesan on 21.01.2021, in connection with that, on the complaint of one Mayavel, the father of the deceased Venkatesan, a case in Sirupakkam P.S.Crime No.20 of 2021 has been registered on 21.01.2021 under Section 174 Cr.P.C. and investigation is in progress.

3. The learned counsel for the petitioner submitted that the police has failed to send the F.I.R. to the jurisdictional Court and instead, sent the F.I.R. to the Tahsildar and therefore, there is foul play in the investigation.

4. We are unable to countenance the aforesaid submission, inasmuch as, the police have registered this case only under Section 174 Cr.P.C. and not for any cognizable offence in the IPC. An F.I.R. registered under Section 174 Cr.P.C. which relates to suspicious death, should have to be sent to the jurisdictional Tahsildar and if during the course of investigation, it comes to light that a cognizable offence has been committed, the police would alter the F.I.R. and send the papers to the jurisdictional Magistrate.

5. As regards the representation dated 27.01.2021 that was given by the petitioner, we are afraid that a direction to the police for considering the representation, cannot be granted, because, investigation of a case is governed by Chapter-XII of the Code of Criminal Procedure and there is no scope for the police to entertain representations and pass orders thereon.

6. In such view of the matter, this is not a fit case to transfer the investigation as prayed for by the petitioner. However, we direct the Deputy Superintendent of Police, Tittagudi to monitor the investigation that is being conducted by the Inspector of Police in Sirupakkam P.S.Crime No.20 of 2021.

With the above direction, this writ petition is closed. No costs.

Sd/-
Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

gya

To

1.The Deputy Superintendent of Police
Tittagudi

2.The Superintendent of Police
Cuddalore District
Cuddalore

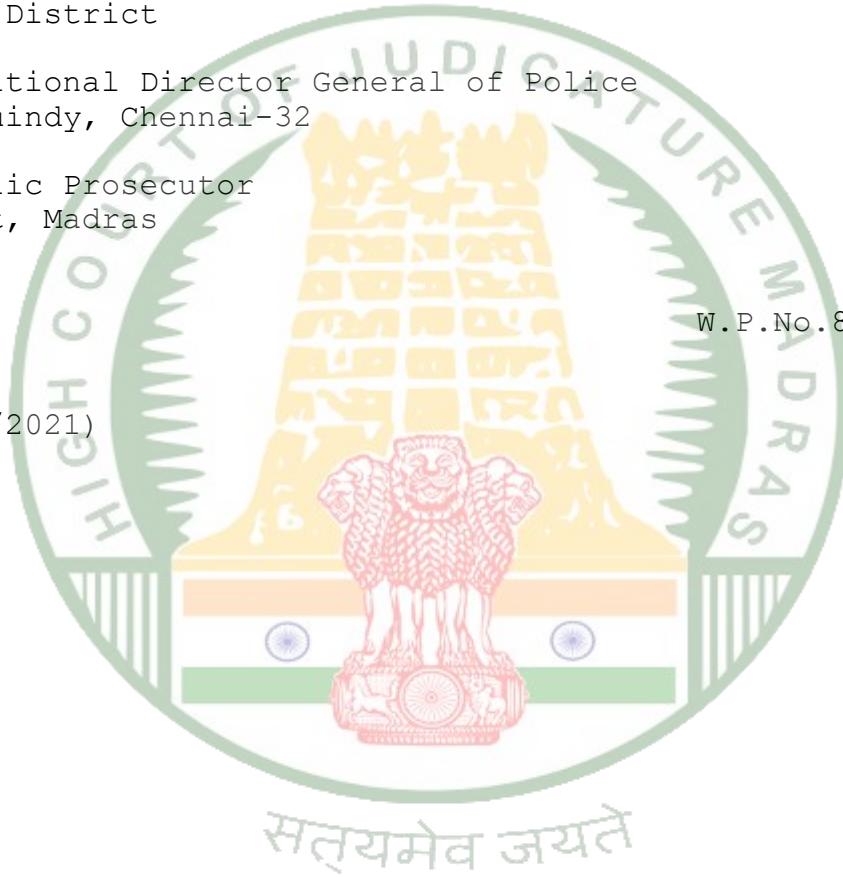
3.The Special Sub Inspector of Police
Sirupakkam Police Station
Cuddalore District

4.The Additional Director General of Police
CB CID, Guindy, Chennai-32

5.The Public Prosecutor
High Court, Madras

W.P.No.8839 of 2021

SMI (CO)
GMY (09/07/2021)



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