



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.16298 of 2021

Sudha

....Petitioner

Vs.

1.The Superintendent of Police
Cuddalore District
Cuddalore.

2.The Inspector of Police
Thittagudi Police Station
Cuddalore District
Crime No.168 of 2017.

3.The Additional Director of General of Police
CBCID
Guindy
Chennai 600 032.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the first respondent and second respondent to entrust the case in Crime No.168 of 2017 on the file of the second respondent to the third respondent Independent Agency CBCID to conduct further investigation in respect of Crime No.168 of 2017 to secure the ends of justice.

For Petitioner : Mr.M.Velmurugan

For Respondent : Mr.R.Vinoth Raja
Government Advocate (Crl.Side)

ORDER

This petition has been filed to direct the first respondent and second respondent to entrust the case in Crime No.168 of 2017 on the file of the second respondent to the third respondent Independent Agency CBCID to conduct further investigation in respect of Crime No.168 of 2017 to secure the ends of justice.



2. The petitioner/defacto complainant in Crime No.168 of 2017 has filed this petition seeking transfer of investigation.

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3. The contention of the petitioner is that initially a case for the offence under Section 304 IPC has been registered. After protest and not participated in the inquest, the respondent Police altered the offence under Section 302 IPC from 304 IPC. He further submitted that the petitioner and her husband were residing in the land of father-in-law. Thereafter, the petitioner put up a structure and residing there. One Alexandar of Viduthalai Siruthaigal Katchi objected the same and stated that the land belongs to the temple property and he has got the lease rent for the same and hence, the petitioner has to vacate the premises.

4. Thereafter, the petitioner, her husband and the Villagers agitated in the Thittakudi Road. After compromise talks by the Police and Tahsildar, they dispersed from the place. Then, the said Alexandar had given some instruction to his brother, who suddenly assaulted the petitioner's husband and he got injured and he was taken to the Thittakudi Hospital. Thereafter, he was shifted to Permabalur Hospital then to Government Hospital, Tiruchy and finally he succumbed to the injuries in the Hospital. Intimation was given to the respondent police and a case was registered, but no proper investigation has been done and now they are attempting to close the case.

5. The learned Government Advocate (Crl. Side) has submitted that in this case, on the complaint of the petitioner, the investigation was conducted in proper manner. The respondent Police had visited the scene of occurrence and prepared observation mahazar and rough sketch and examined the witnesses. Since the revenue officials Thasildar, Thittagudi, the Inspector of Police, the Village Administrative Officer, the Village Assistant and the Inspector of Police, HR & CE and the other officials who participated in the peace meeting, they were examined and their statements recorded, they clearly state that there was no assault as claimed by the petitioner. Further the Doctors at Permbalur hospital, Thittakudi, Causality Thittakudi Government Hospital, six Doctors have been examined in this case. The expert opinion also obtained and their statement is that "the deceased would have died of cerebrovascular disease" and it is a natural cause. The second expert opinion is also to the effect that "the deceased appears to have died due to the effects of cerebrovascular disease", as emotional stress can aggravate any pre-existing disease and cause death. He further submitted that since the petitioner refused to receive the



closure report, the same was stuck at her residence in the presence of Village Administrative Officer's.

6. In view of the same, the respondent had closed the case after serving RCS notice in RCS.No.2 of 2019 and the closure report was filed before the concerned Court on 26.01.2019.

7. At this stage, the learned counsel for the petitioner submit that he is not aware about the closure report and no notice was served to her.

8. In view of the same, the second respondent Police is directed to serve a copy of the RCS notice and closure report to the petitioner either in person or through registered post. Thereafter, it is for the petitioner to file a protest petition if so advised.

9. With the above directions, this Criminal Original Petition is disposed of.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

dna
To

1.The Superintendent of Police
Cuddalore District
Cuddalore.

2.The Inspector of Police
Thittagudi Police Station
Cuddalore District
Crime No.168 of 2017.

3.The Additional Director of General of Police
CBCID
Guindy
Chennai 600 032.

4.The Public Prosecutor
High Court, Madras.

CRL.O.P.No.16298 of 2021

JPL (CO)
SP(18/10/2021)