



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2021

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.NO.23587 OF 2014

AND

M.P.NOS. 1 OF 2014

N.Pappathi

... Petitioner

.Vs.

1. The Director General of Police,
Kamarajar Road
Mylapore,
Chennai - 600 004.
2. The Inspector General of Police,
West Zone,
Coimbatore.
3. The Superintendent of Police,
Namakkal District,
Namakkal.
4. The Inspector of Police,
Sendamangalam Police Station,
Crime No. 22 of 2013,
Namakkal District.
5. Deepa.

...Respondents

Prayer :

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 and 2 to transfer the investigation of the case in Crime No.22 of 2013 from the 4th respondent to the Crime Branch CID for fair and proper investigation to unearth the real cause of death of the petitioner's son Sathyaraj and to prosecute the accused persons who were responsible for the murder of her son by considering her representation dated 30.07.2014.



For Petitioner

: Mr.N.Manokaran

For Respondents

: Mr.A.Damodaran
Additional Public Prosecutor.

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O R D E R

The relief sought for in the present Writ Petition is to direct the respondents 1 and 2 to transfer the investigation of the case in Crime No.22 of 2013 from the 4th respondent to the Crime Branch CID for fair and proper investigation to unearth the real cause of death of the petitioner's son Sathyaraj and to prosecute the accused persons.

2. The petitioner is the mother of the deceased. The petitioner's son died on 16.01.2013 and a case was registered in Crime No.22 of 2013 under Section 174 of the Criminal Procedure Code and investigation commenced.

3. The learned Additional Public Prosecutor brought to the notice of this Court that the final report in the case was filed on 29.11.2013 and the case itself was closed as mistake of fact and further actions dropped.

4. Under these circumstances, it is contended that the petitioner has given an opportunity to file a protest petition, if they have got enough material facts. Contrarily, the Writ Petition need not be entertained and it has to be rejected.

5. Further, the learned Additional Public Prosecutor made a submission that the closure report will be served to the petitioner and the petitioner is at liberty to take all appropriate actions in the manner known to law.

6. The learned counsel for the petitioner reiterated that the death was suspicious. The petitioner raised certain doubts against the 5th respondent and her brother. In the event of any such suspicion, the petitioner must be in a position to substantiate the case or at least provide proof to the investigating authorities to go further. Contrarily, a mere representation or mere suspicion is insufficient to consider the Writ Petition for the purpose of grant of relief.

7. The 5th respondent is the daughter-in-law of the petitioner and considering the relationship, this Court is of the opinion that it is a mechanical suspicion which would have arisen in the minds of the petitioner. In the absence of any material evidence to establish such suspicion, the Court will be not in a position to consider the relief. The petitioner has not established any grounds or furnished any materials enabling



this Court to consider the relief for transfer of investigation. Further, the investigations were concluded in the year 2013 itself and all further actions dropped.

8. This being the factum, no further consideration is required and the relief sought for in the present Writ Petition stands rejected and the Writ Petition stands dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

shr/kan

To

1. The Director General of Police,
Kamarajar Road
Mylapore,
Chennai - 600004.
2. The Inspector General of Police,
West Zone,
Coimbatore.
3. The Superintendent of Police,
Namakkal District,
Namakkal.
4. The Inspector of Police,
Sendamangalam Police Station,
Crime No. 22 of 2013.

+1cc to Mr.N.Manokaran, Advocate, S.R.No.68531

W.P.No.23587 of 2014
and
M.P.Nos. 1 of 2014

AJS (CO)
PM/05/01/2022