



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.03.2021

CORAM :

THE HONOURABLE Mrs. JUSTICE **R. THARANI**

Crl.O.P. (MD)No.4263 of 2021

T.Muthupandi

... Petitioner

Vs.

1.The Additional Director General of Police (CB-CID),
SIDCO Electronic Complex,
Block No.3, 1st Floor,
Guindy Industrial Estate, Chennai 600 032.

2.The Superintendent of Police,
Office of the Superintendent of Police,
Sivagangai District.

3.The Inspector of Police,
Madagupatti Police Station,
Sivagangai District.

4.The Dean,
Government Medical College Hospital,
Sivagangai District.

5.Dr.Senthilkumar

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the second respondent to withdraw the case in Crime No.28 of 2021, dated 04.02.2021 on the file of the third respondent and entrust the same to the first respondent for completion of investigation and for filing charge sheet, in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For R1 to R3 : Mr.S.Chandrasekar
Additional Public Prosecutor

ORDER

The present petition is filed seeking for a direction to the second respondent to withdraw the case in Crime No.28 of 2021, dated 04.02.2021 on the file of the third respondent and to entrust the first respondent for investigation and to file charge



sheet, in accordance with law within the time stipulated by this Court.

2.On the side of the petitioner, it is stated that the petitioner is working as a Driver. The wife of the petitioner went to the private clinic of the fifth respondent for treatment for common cold. The fifth respondent gave her three injections. When the third injection was administered, the wife of the petitioner fainted, she was taken to the Government Hospital. In the Government Hospital, they tried to give some first aid, but it was reported that the petitioner's wife was already dead. It is seen that the petitioner's wife died, immediately after the administration of the third injection. Though a case was registered under Section 174 of Cr.P.C., no steps was taken by the third respondent. The empty container of the serum/medicine administered to the petitioner's wife was not seized by the third respondent and there is a mysterious circumstance that led to suspicion against the police and prayed the case to be transferred to the first respondent.

3.On the side of the respondents 1 to 3, it is stated that enquiry is still pending and only after investigation, a clear case can be made out.

4.It is seen that some immediate seizure of property is required in this case and there is some serious allegation against the fifth respondent.

5.In view of the same, the investigation is withdrawn from the file of the third respondent and is transferred to the file of the first respondent. The first respondent is hereby directed to investigate the matter and to file the final report within a period of three months from the date of receipt of a copy of this order.

6.With the above directions, the Criminal Original Petition is allowed.

Sd/-

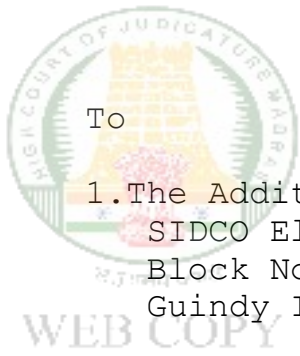
Assistant Registrar (CS-II)

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/ /2021

Sub Assistant Registrar(CS)

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The Additional Director General of Police (CB-CID),
SIDCO Electronic Complex,
Block No.3, 1st Floor,
Guindy Industrial Estate, Chennai 600 032.

2.The Superintendent of Police,
Office of the Superintendent of Police,
Sivagangai District.

3.The Inspector of Police,
Madagupatti Police Station,
Sivagangai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.ALAGUMANI, Advocate (SR-13146[F] dated 23/03/2021)

Crl.O.P. (MD)No.4263 of 2021
19.03.2021

sjj
AM/29/04/2021/3P/6C