



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.07.2021

CORAM :

THE HONOURABLE Mr.JUSTICE G.ILANGO VAN

CrI.O.P. (MD)No.5877 of 2021

WEB COPY

K.Mokkaraj

... Petitioner/Defacto Complainant

Vs.

1. The Superintendent of Police,
O/o. Superintendent of Police,
Dindigul District

2. The Inspector of Police,
CBCID,
Dindigul,
Dindigul District.

3. The Inspector of Police,
Nilakkottai Police Station,
Dindigul District
(Crime No. 99/2021)

... Respondents/Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, seeking a directing the respondent NO.1 to withdraw the case in Crime No.99 of 2021 dated 01.03.2021 under Section 174 Cr.P.C on the file of the respondent No.3 and entrust the same to the respondent No.2 for fair investigation and file a final report before the competent court.

For Petitioner : Mr.I.Pinaygash

For Respondents : Mr.R.M.Anbunithi

Additional Public Prosecutor

ORDER

This petition is filed seeking transfer of investigation in Crime No.99 of 2021 dated 01.03.2021 from the file of the respondent No.3 to some other Officer or Agency.

2.The case of the petitioner is that the son of the petitioner namely Sentrayan married one Vanitha in 2006 and they got 3 children. Later the said Vanitha had illegal intimacy with one Ayyanar S/o Koolu. On coming to know about the illegal intimacy, earlier the deceased Sentrayan lodged a complaint before the Nilakottai All Women Police Station. In the enquiry, the police advised her to behave properly.



3. Thereafter, on 10.03.2021 the son of the petitioner was brutally murdered. According to the petitioner, as his son questioned the illegal intimacy with one Ayyanar, her daughter-in-law namely Vanitha and Ayyanar murdered his son and they showcase a drama as if the petitioner's son committed suicide in his house. After coming to know about the occurrence, the petitioner lodged a complaint on the same day before the third respondent mentioning all the above said facts. However, the case has been registered under Section 174 Cr.P.C. According to him, investigation has not been properly undertaken in spite of specific allegation. On that ground the petitioner seeks transfer of investigation.

4. When the matter is taken up today, the learned Additional Public Prosecutor submits that during the course of investigation, case was altered to Section 302 IPC in which the said Ayyanar and the daughter-in-law of the petitioner namely, Vanitha were shown as accused. Both were secured and remanded to judicial custody. The copy of the alteration report and remand report have also been circulated by the learned Additional Public Prosecutor to this Court.

5. Since the accused have been secured and a copy of the alteration report dated 14.07.2021 has been produced, the question of transfer of investigation does not arise. The grievance of the petitioner has properly been redressed.

6. Recording the submission of the learned Additional Public Prosecutor, this petition is disposed of with a direction to the learned Additional Public Prosecutor to circulate the copy of the alteration report to the learned counsel for the petitioner.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

CM

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 Superintendent of Police,
O/o. Superintendent of Police,
Dindigul District
2. The Inspector of Police,
CBCID,
Dindigul, Dindigul District.
3. The Inspector of Police,
Nilakkottai Police Station,
Dindigul District
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.5877 of 2021
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RC (03.08.2021) 3P-5C