



WEB COPY

CrI.O.P.(MD)No.8295 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI.O.P (MD)No.8295 of 2021

and

CrI.M.P. (MD)No.4260 of 2021

Rosemary

... Petitioner

Vs

- 1.The Director General of Police,
O/o. Director General of Police,
Post Box No.601,
Dr.Radhakrishnan Salai,
Mylapore, Chennai-600 004.
- 2.The Deputy Inspector General of Police,
D.I.G.Office at Palayamkottai,
Tirunelveli District.
- 3.The Superintendent of Police,
CBCID,
Guindy, Chennai.
- 4.The Superintendent of Police,
Kanyakumari District.
- 5.The Deputy Superintendent of Police (Land Grabbing)
Investigation Officer,
Nagercoil,
Kanyakumari District.
- 6.The Deputy Superintendent of Police,
Thucklay Division,
Kanyakumari District.
- 7.The Inspector of Police,
Marthandam Police Station,
Kanniyakumari District.
(Crime No.200 of 2021)

... Respondents

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to change the investigation done by the fifth respondent with regard to the case in Crime No.200 of 2021 to any other competent investigation authority and to investigate the same.



For Petitioner : Mr.G.Karuppasamy Pandian
For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

WEB COPY

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

2. The petitioner is the defacto complainant in Crime No.200 of 2021 registered on the file of the Marthandam Police Station.

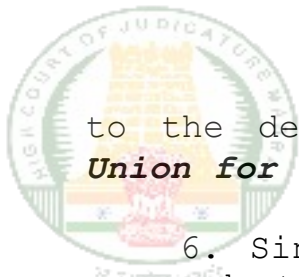
3. The specific case of the petitioner is that her son Libin Raj aged about 30 years was taken to custody by the police personnel attached to Marthandam Police Station on 29.04.2021 at about 07.00 a.m. When the petitioner later went to Marthandam Police Station, she was informed that her sons's whereabouts are not known. On 29.04.2021 at about 3.30 p.m., her son was brought back by some police personnel. On enquiry, her son stated that he was tortured in the Thuckalay office. He also stated that injury was caused on his private parts. The petitioner's son did not get up from his bed on the next day. He was found dead. The learned counsel for the petitioner states that in the FIR, the following ante-mortem injuries have been noted.

1. 1 ½ cm abrasion seen over back of left ring finger
2. 13 X 10 X 4 cm contusion seen over the left gluteal region.
3. 15 X 7 X 3 cm contusion seen over the right gluteal region.
4. 4 X 4 X 1 ½ cm contusion seen over the outer aspect of back of upper third of left thigh.
5. 8 X 3 X 2 cm contusion seen over the outer aspect of upper half of left thigh.
6. 4 X 2 X 2 cm contusion seen in front of lower half of left thigh.

Above said injuries are reddish in colour.

4. A reading of the affidavit filed in support of this petition states that serious allegations have been made against the police personnel. When the police personnel stand in the dock, they themselves cannot investigate the allegations.

<https://hcservices.courts.gov.in/hcservices/> The learned counsel for the petitioner draws my attention



to the decision reported in **2014 0 Supreme (SC) 701 (People's Union for Civil Liberties Vs. State of Maharashtra)**.

6. Since the petitioner has levelled allegations against the respondents 6 and 7 herein, it is only just and proper that the investigation is transferred from the file of the seventh respondent and is entrusted to the jurisdictional CBCID. The first respondent is directed to issue appropriate proceedings in this regard for entrusting the investigation to the jurisdictional CBCID. Such proceedings will be issued within a period of three weeks from the date of receipt of a copy of this order. The agency to which the investigation is entrusted will conclude the investigation on merits and in accordance with law within a period of twelve weeks thereafter.

7. This Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

rmi

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 Director General of Police,
O/o. Director General of Police,
Post Box No.601,
Dr.Radhakrishnan Salai,
Mylapore, Chennai-600 004.
- 2.The Deputy Inspector General of Police,
D.I.G.Office at Palayamkottai,
Tirunelveli District.
- 3.The Superintendent of Police,
CBCID, Guindy, Chennai.

<https://hcservices.ecourts.gov.in/hcservices/>



4.The Superintendent of Police,
Kanyakumari District.

5.The Deputy Superintendent of Police (Land Grabbing)
Investigation Officer,
Nagercoil,
Kanyakumari District.

6.The Deputy Superintendent of Police,
Thucklay Division,
Kanyakumari District.

7.The Inspector of Police,
Marthandam Police Station,
Kanniyakumari District.

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

Crl.O.P (MD) No. 8295 of 2021
15.11.2021

AM(CO)
SB(13.12.2021) 4P 9C