



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :08.12.2021

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THE HONOURABLE MR.JUSTICE **G. ILANGO VAN**

Crl.O.P(MD)No.10434 of 2020

WEB COPY

M.Pandiselvi ... Petitioner

Vs.

1.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

2.The Inspector of Police,
Ramanathapuram Railway Police Station,
Ramanathapuram,
Ramanathapuram District.

3.The Sub-Inspector of Police,
Ramanathapuram Railway Police Station,
Ramanathapuram,
Ramanathapuram District.

4.The Deputy Superintendent of Police,
CBCID, No.83, 3rd Cross Street,
Visalakshipuram, Madurai-14.

5.The Inspector of Police,
(CBCID),
Near Amma Park, Sethupathinagar,
Collectorate Campus,
Ramanathapuram District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to transfer the case in Crime No.12 of 2020 on the file of the third respondent to the fifth respondent police and further direct the fifth respondent police to investigate and to file final report within the time stipulated by this Court.

For Petitioner : Mr.B.Mahendar Rajan

For Respondents : Mr.S.Manikandan
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition is filed seeking for a direction to the fifth respondent herein to investigate the case in Crime No.12 of 2020 and file a final report within the time stipulated by this Court.



2.The petitioner herein is the mother of the deceased. The grievance of the petitioner is that by slow poisoning, her son was murdered by the wife of the deceased. Investigation has not been properly undertaken and so, this petition came to be filed.

WEB COPY

3.On 28.09.2020, when the matter was taken up for hearing, it was submitted by the learned counsel for the petitioner that on the date of occurrence some blood stains were available in the house of the deceased and accordingly, she entertained the above said doubt and a direction was issued to the third respondent to submit the copy of the postmortem.

4.When the matter is taken up for hearing today, the learned Government Advocate (Criminal side) would submit that during the course of investigation, it was found that an exaggerated statement has been given by the petitioner and during the course of postmortem and viscera chemical analysis report, it was found that there was no poison detected in the contents of the viscera and no blood stains were found and suggested that it was a death by accident. So, on that ground, a further action has been dropped on 17.07.2021. So, along with the report, the RCS notice has also been enclosed, wherein, it is stated that, it was served upon the wife of the deceased.

5.But, however, the learned counsel for the petitioner would submit that it is a clear case of murder by poisoning and investigation has not been properly undertaken.

6.Since further action has been dropped and a report has already been filed, the transfer of investigation at this stage may not arise and the petitioner has to workout her remedy before the concerned Court through appropriate proceedings.

7.With the above observations, the Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sjj

Note:(i) 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,
Ramanathapuram District,
Ramanathapuram.
- 2.The Inspector of Police,
Ramanathapuram Railway Police Station,
Ramanathapuram,
Ramanathapuram District.
- 3.The Sub-Inspector of Police,
Ramanathapuram Railway Police Station,
Ramanathapuram,
Ramanathapuram District.
- 4.The Deputy Superintendent of Police,
CBCID, No.83, 3rd Cross Street,
Visalakshipuram,
Madurai-14.
- 5.The Inspector of Police,
(CBCID),
Near Amma Park,
Sethupathinagar,
Collectorate Campus,
Ramanathapuram District.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P(MD)No.10434 of 2020

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