



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WP (MD) No.15906 of 2021

and

WMP (MD) No.12823 of 2021

K.Villayi

... Petitioner

vs.

- 1.The State of Tamil Nadu,
Rep.by its Principal Secretary,
Department of Home,
Secretariat, Fort St.George,
Chennai - 600 009.
- 2.The State of Tamil Nadu,
Rep.by its Principal Secretary
to Government,
Health and Family Welfare Department,
Secretariat, Fort St.George,
Chennai - 600 009.
- 3.The Director General of Police,
O/o.the Director General of Police,
Dr.Radhakrishnan Salai,
Chennai - 600 004.
- 4.The Additional Director General of Police
(CB-CID),
SIDCO Electronics Complex,
Block No.3, 1st Floor,
Guindy Industrial Estate, Chennai - 600 032.
- 5.The Additional Director General of Police,
Human Rights and Social Justice Wing,
Director General of Police,
Post Box No.601, Dr.Radhakrishnan Salai, Mylapore,
Chennai - 600 004. (PBX No.28448000)
- 6.The Additional Chief Secretary,
The State of Tamil Nadu,
Adi Dravidar and Tribal Welfare Department,
Fort St.George, Chennai-9.
- 7.The Inspector General of Police,
Central Zone,
Kajamalai Colony,
Edamalai, Pudukkottai, Pudukkottai District,
Puducherry.



Trichy District - 620023.

8.The Superintendent of Police,
Pudukottai District.

9.The Deputy Superintendent of Police,
Kottaiappattinam,
Pudukkottai District.

10.The Deputy Superintendent of Police,
O/o.Deputy Superintendent of Police,
Human Rights and Social Justice Wing,
SP Office Campus, Pudhukottai.

11.The District Collector,
Pudukkottai District.

12.The Inspector of Police,
Thiruppunavasal Police Station,
Pudukkottai District.

13.The Dean,
Government Medical College and Hospital,
Pudukkottai.

14.The Dean,
Madurai Rajaji Government Hospital,
Madurai.

15.The Dean,
Rajiv Gandhi Government Hospital,
Chennai - 600 003.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue Writ of Mandamus, to direct the Respondent No.3 to withdraw the case in Crime Number 108 of 2021 dated 15.08.2021 on the file of Respondent No.12 and entrust the same to Respondent no.4 or 5 for completion of investigation and file charge sheet in accordance with law within the time stipulated by this Court.

For Petitioner	: Mr.S.P.Rathinam for Mr.R.Alagumani
For Respondents	: Mr.T.Senthilkumar, Additional Public Prosecutor

ORDER

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

2.The petitioner belongs to Hindu Scheduled Caste community.



The petitioner's husband Karuppaiya was the temple priest of a local temple. It is stated that on 16.06.2021, he was attacked by a group of persons because he physically distributed Viboothi to the members of the other community. In this regard, Crime No.89 of 2021 was registered under Sections 147, 294(b) and 323 of IPC. As a counter blast, Crime No.88 of 2021 came to be registered against the petitioner's husband. In this background, the petitioner's husband was found hanging on 15.08.2021. The petitioner alleges that certain external injuries were found on his body. The petitioner suspects that her husband was murdered and thereafter, left hanging from a tree. Based on the petitioner's complaint, Crime No.108 of 2021 was registered under Section 174 of Cr.PC. The petitioner's husband's body was subjected to postmortem twice. Not satisfied with the manner in which the investigation is proceeding, this writ petition came to be filed for transfer of investigation.

3.The allegations made by the petitioner have been controverted by the respondents. The 12th respondent has filed a status report claiming that the investigation is proceeding on the right lines. Without going into this controversy, in order to instill confidence in the mind of the petitioner, I direct the Superintendent of Police, Pudukkottai District to issue proceedings directing the tenth respondent, namely, Deputy Superintendent of Police, Human Rights and Social Justice Wing, Pudukkottai to take over the investigation in Crime No.108 of 2021 from the file of the 12th respondent. Necessary proceedings will be issued within a period of two days from the date of receipt of copy of this order. Thereafter, the tenth respondent shall conclude the investigation as expeditiously as possible. It is the duty of the jurisdictional police to ensure physical safety of the petitioner and the other family members. This writ petition is allowed. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

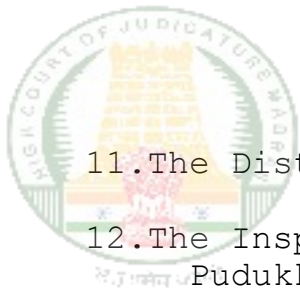
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Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant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



To

1. The Principal Secretary,
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Chennai - 600 009.
2. The Principal Secretary to Government,
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9. The Deputy Superintendent of Police,
Kottaipattinam, Pudukkottai District.
10. The Deputy Superintendent of Police,
O/o. Deputy Superintendent of Police,
Human Rights and Social Justice Wing,
SP Office Campus, Pudukkottai.



11.The District Collector, Pudukkottai District.

12.The Inspector of Police, Thiruppunavasal Police Station,
Pudukkottai District.

13.The Dean, Government Medical College and Hospital,
Pudukkottai.

14.The Dean, Madurai Rajaji Government Hospital,
Madurai.

15.The Dean, Rajiv Gandhi Government Hospital,
Chennai - 600 003.

16 The Additional Public prosecutor,
Madurai Bench of Madras High Court, Madurai

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KS (CO)
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