



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2022

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P. No.4477 of 2022

V.G.Senthilkumar

... Petitioner

Vs.

1. The Superintendent of Police,
Salem District (Rural)
Salem.

2. The Inspector of Police,
Attur Town Police Station,
Salem District.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to order withdrawal of the case in Crime No.54 of 2019 and transfer the same to CBCID and direct them to investigate in a fair and impartial manner and file a final report within the stipulated time.

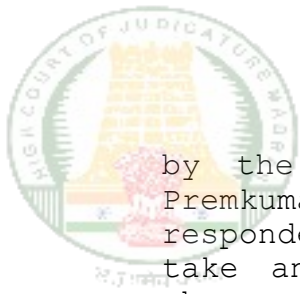
For Petitioner : Mr.D.Nellaiappan

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to order withdrawal of the case in Crime No.54 of 2019 and transfer the same to CBCID and direct them to investigate in a fair and impartial manner.

2.The case of the petitioner is that his brother Premkumar committed suicide and before his death, he has left a video clip, in which, he declared that he was forced to take the extreme decision due to the torture given to him by the Mr.Kesavan, Inspector of Police and Mr.Raju, Deputy Superintendent of Police. On the basis of the complaint given



by the petitioner's nephew, Aravindan, son of the deceased Premkumar, a case in Crime No.54 of 2019 was registered by the respondents under Section 174 Cr.P.C. The respondents did not take any action nor conducted any investigation in the case where serious cognizable offences are made out. The son of the deceased, Aravindan had earlier filed Crl.O.P.No.20111 of 2019 seeking for transfer of investigation to CBCID and at that time, it was represented by the respondents before this Court that further action has been dropped in Crime No.54 of 2019 and RCS Report has also been served on the de facto complainant on 21.01.2020. Based on the submissions made by the respondents, this Court had directed the son of the deceased to pursue his remedy as per law before the appropriate forum. However, the final report was not served on the son of the deceased and thereby, being dissatisfied with the investigation, the petitioner has filed the present petition for transfer of investigation.

3.The learned Additional Public Prosecutor appearing for the respondents would submit that, on the complaint given by Aravindan, son of the deceased Premkumar, a case was registered in Crime No.54 of 2019 under Section 174 Cr.P.C. The respondents have completed the investigation and had filed the final report as "further action dropped" and the final report was also served on the son of the deceased, P.K.Aravindan, as early as on 21.01.2020. Earlier, the son of the deceased had filed Crl.O.P.No.20111 of 2019 before this Court seeking for transfer of investigation and this Court, finding that the final report has been filed, had directed the son of the deceased to proceed in accordance with law. The family of the deceased is well aware of the same. However, the fact remains that the son of the deceased has not proceeded so far. The petitioner, who is the brother of the deceased, is an accused in Crime No.38 of 2019 for the offences under Sections 294(b) and 506(ii) IPC r/w. 3(1)(r) and 3(1)(s) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, and in order to arm-twist the respondent Police, he has come out with this petition.

4.Heard the learned counsel on either side and perused the entire materials available on record.

5.The respondents have completed the investigation as early as on 21.01.2020 and the final report has also been served on P.K.Aravindan, son of the deceased and de facto complainant. The proof of such service is also produced before this Court. The petitioner, who is well aware of the same, has come out with this petition. When the investigation has been completed and the final report is filed and it is also in the knowledge of the petitioner, the petition seeking transfer is not maintainable. This Court is of the opinion that the petition has been filed



for the purpose of putting pressure on the respondent Police. Therefore, this Court is not inclined to grant the relief sought for by the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Salem District (Rural)
Salem.
2. The Inspector of Police,
Attur Town Police Station,
Salem District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.D.Nellaiappan, Advocate, S.R.No.15453

Cr1.O.P. No.4477 of 2022

GMR(CO)
SU(24/03/2022)