



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2022

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.6366 of 2022

V.Jothi

... Petitioner

Vs.

1.The Inspector of Police,
Central Zone,
Trichy, Trichy District.

2.The Superintendent of Police,
District Police Office,
Mayiladuthurai District,
Mayiladuthurai.

3.The Inspector of Police,
Anaikaranchatram Police Station,
Sirkali Taluk,
Mayiladuthurai District.

4.The Inspector of Police, CBCID,
Mayiladuthurai District.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the first and second respondents to transfer the investigation in Crime No.909 of 2021 on the file of third respondent herein to fourth respondent for further investigation after registering the case under Section 304(ii) of IPC or Section 304 of IPC and 386 of IPC to secure the ends of justice.

For Petitioner : Mr.A.Ramesh

For Respondents: Mr.A.Gokulakrishnan,
Additional Public Prosecutor.



O R D E R

The Criminal Original Petition has been filed seeking for a direction to the first and second respondent to transfer the investigation in Crime No.909 of 2021 on the file of third respondent to fourth respondent for further investigation after registering the case under Section 304(ii) of IPC or Section 304 of IPC and 386 of IPC.

2. The case of the petitioner is that her husband Vasudevan aged about 56 years, was continuously vomiting on 18.11.2021 at 2.00 pm and that he was immediately taken to private Hospital viz., Vishnu Nursing Home at Main Road, Killidam. The said Nursing Home was a one man hospital, managed by Dr.Venkateswaralu, who had claimed that he is competent to treat the patient and he had assured that the said Vasudevan would recover soon. Instead of giving proper treatment, he had only given general and common medicine like a compounder, due to which, the condition of the petitioner's husband deteriorated and later he was transferred to Raja Muthiah Government Medical College and Hospital, Annamalai Nagar, Chidambaram, where he had breathed his last. On the complaint given by petitioner, a case in Crime No.909 of 2021 was registered by the third respondent under Section 174 of Cr.P.C. Subsequently, post mortem was conducted and later, the body was handed over to the petitioner. It is the claim of the petitioner that her husband had died only due to the improper treatment given by the said Dr.Venkateswaralu whereas, the third respondent instead of registering the case under Section 304(ii) of IPC, had registered the case under Section 174 of Cr.P.C. Being dissatisfied with the improper investigation done by the third respondent, the present petition has been filed seeking to transfer the investigation in Crime No.909 of 2021 on the file of third respondent to fourth respondent for further investigation.

3.Mr.A.Gokulakrishnan, Additional Public Prosecutor would submit that the petitioner's husband had consumed poison and he was rushed to the nearby private hospital and since his condition was deteriorated, he was transferred to Raja Muthiah Government Medical College and Hospital, Annamalai Nagar, Chidambaram, where the petitioner's husband breathed his last. He would further submit that based on the petitioner's complaint, a case in Crime No.909 of 2021 was registered under Section 174 of Cr.P.C. The registration was done based on the complaint given by the petitioner where in, she had stated that



her husband died due to consuming poison and no allegations were leveled as against the said Dr.Venkateswaralu. He would further submit that the post mortem was conducted and the viscera has been sent for forensic examination and based on the scientific opinion, proper action will be taken. He would submit that it is not the case, requiring transfer of investigation to CBCID. The third respondent has conducted investigation in a proper and fair manner without any coerce.

4. At this juncture, learned counsel for the petitioner would submit that direction may be issued to the superior officer to monitor the investigation.

5. This Court is of the opinion, it is not the case, requiring transfer of investigation. However, direction is issued to the Deputy Superintendent of Police, Mayiladuthurai to monitor the investigation done by the third respondent.

6. With the above direction, this Criminal Original Petition stands disposed of.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

shk/sai

To

1.The Inspector of Police,
Central Zone,
Trichy,
Trichy District.

2.The Superintendent of Police,
District Police Office,
Mayiladuthurai District,
Mayiladuthurai.

3.The Deputy Superintendent of Police,
Mayiladuthurai District,
Mayiladuthurai.



4.The Inspector of Police,
Anaikaranchatram Police Station,
Sirkali Taluk,
Mayiladuthurai District.

WEB COPY

5.The Inspector of Police,
CBCID Mayiladuthurai District.

6.The Public Prosecutor,
High Court of Madras.

+lcc to Mr.R.Sankarasubbu, Advocate Sr.18965

Cr1.O.P.No.6366 of 2022

sr-II[co]
srg 21/04/2022