



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2022

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P. (MD)No.3597 of 2022

K.Neelavathi

... Petitioner

Vs.

1.The Director General of Police,
Police Head Quarters,
No.1, Radhakrishnan Salai,
Mylapore, Chennai.

2.The Superintendent of Police,
Trichy,
Trichy District.

3.The Inspector of Police,
Siruganur Police Station,
Trichy District.

4.The Inspector of Police,
Samayapuram Police Station,
Trichy District.

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C., to direct the 1st and 2nd respondents to transfer the case in Crime No.453 of 2021 on the file of the fourth respondent to CBCID or any other independent investigation agency under the supervision of the 1st respondent.

For Petitioner : Mr.A.Arun Prasad

For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor
(Criminal Side)

O R D E R

This Criminal Original Petition has been filed to direct the 1st and 2nd respondents to transfer the case in Crime No.453 of 2021 on the file of the fourth respondent to CBCID or any other independent investigation agency under the supervision of the 1st respondent.



2. The case of the petitioner is that from 29.10.2021, the husband of the petitioner was missing and thereafter, the petitioner came to know that the body of her husband was found in a well near Irungalur. In pursuant to which, a case in Crime No.453 of 2021 has been registered for the offence under Section 174(3) of Cr.P.C. Before one month of her husband death, the mother of the petitioner's husband died on 15.09.2021. During that time, there was a quarrel between the deceased and his brother's daughter namely Ezilarasi who is an Advocate. In this regard, the husband of the petitioner lodged a complaint before the third respondent. Since the opposite party is the Advocate, the third respondent Police has acted in favour of the said Ezilarasi. Again on 22.10.2021, the family of brother of the petitioner's husband tried to encroach upon the disputed property. At that time, the petitioner was attacked by the opposite party. Due to which, she sustained injury and admitted in the hospital for more than a week. In this regard, the petitioner has given complaint to the third respondent Police, but no action was taken.

3. The learned counsel appearing for the petitioner submits that the petitioner would not get fair justice, if the investigation continues with the third respondent.

4. The counter filed by the fourth respondent reveals that the husband of the petitioner is involved in six previous cases. He is not a law abiding citizen and he involved in criminal cases frequently. On 29.10.2021 at about 07.00 p.m., the said Ezhilarasi, who is the daughter of the deceased brother, informed to the Samayapuram Police Station that the deceased was selling brandy bottles in front of Ananda Hotel located near SRM Medical College. On receipt of the said information, the fourth respondent went to the spot and found that the deceased illegally possessed HONEY DAY-8 (180 M.L.Bottles). Suddenly, he escaped from the place. Further, on enquiry, it came to know that while escaping from the Police, he fell down in the well and died. Thereafter, his two-wheeler was seized and produced before the learned Judicial Magistrate No.3, Trichy in R.P.R.No.8 of 2022.

5. There are circumstances suspecting the police officials that on 29.10.2021, the occurrence took place, however, the two wheeler which was seized was produced before the concerned Judicial Magistrate only on 04.03.2022. Therefore, the petitioner will not get fair justice, if the investigation continues with the fourth respondent. Hence, the investigation pending in Crime No.453 of 2021 on the file of the fourth respondent is hereby withdrawn and transferred to the CBCID, Trichy. The fourth respondent is directed to hand over the entire case diary in Crime No.453 of 2021 to the CBCID, Trichy within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the CBCID, Trichy is directed to complete the investigation and file a final report as

<https://hccs.judiciary.gov.in/lcservices/> as possible.



6. Accordingly, the Criminal Original Petition stands allowed.

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/TRUE COPY/

Sd/-
Assistant Registrar(CS III)

/ /2022
Sub Assistant Registrar(CS)

ssb

To:

- 1.The Director General of Police,
Police Head Quarters,
No.1, Radhakrishnan Salai,
Mylapore, Chennai.
- 2.The Superintendent of Police,
Trichy,
Trichy District.
- 3.The Inspector of Police,
Siruganur Police Station,
Trichy District.
- 4.The Inspector of Police,
Samayapuram Police Station,
Trichy District.
- 5.The Inspector of Police,
CBCID,
Trichy.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy To:
The Deputy Superintendent of Police,
CBCID,
Trichy.

Crl.O.P. (MD)No.3597 of 2022
21.03.2022

MK/28.03.2022/3P/8C