



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31/03/2022

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.O.P. (MD)No.8164 of 2019

WEB COPY

A.Nagaraj

: Petitioner

Vs.

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

2.The Inspector of Police,
Chathirappatti Police Station,
Dindigul District.

3.The Inspector of Police,
CBCID Police,
Dindigul District.

: Respondents

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to withdraw the Crime No.21 of 2019 from the 2nd respondent police and transfer the same to the 3rd respondent or some other competent investigating agency for fresh investigation.

For Petitioner

: M/s.A.Arul Jenifer

For Respondents

: Mr.SS.Madhavan

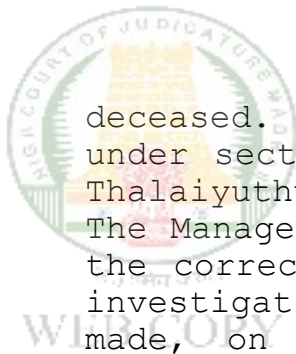
Government Advocate
(Criminal side)

O R D E R

This criminal original petition is filed seeking a direction to transfer the investigation of the case in Crime No.21 of 2019 from the file of the 2nd respondent to the 3rd respondent.

2.The facts in brief:-

The deceased Silambarasan is the 3rd son of the petitioner. He was working in the TVS Service Centre, Vada Madurai. On 04/02/2019, he left the house for work. But till 05/02/2019, he did not return to home. So, the de-facto complainant went to the workshop and enquired. He was told that by receiving Rs.500/- from the Manager, his son left the work place in a two wheeler bearing registration No.TN-49-AQ-8979 to Palani. Since, he did not return, they went to Palani. In search, they would not succeed. So, he lodged a complaint on 07/02/2019 before the Eriyode Police Station. On enquiry, they were informed that only the vehicle could be traced, but not the



deceased. Finally, a case in Crime No.21 of 2019 has been registered under section 174 Cr.P.C, since the body was found under a rock in Thalaiyuthu. But the cause of the death could not be ascertained. The Manager of the Company did not inform the police with regard to the correct place, where the deceased intended to visit. Since the investigation was not properly undertaken, a representation was made, on 07/05/2019. On that ground, this petitioner is filed seeking a direction.

3.Heard both sides.

4.Suspicion that was entertained by the petitioner is that the Manager of the company, where the deceased was working did not give proper information with regard to the place, to which the deceased went. According to the petitioner, he was given wrong information that the deceased left the company by receiving Rs.500/- from the Manager stating that he is going to Palani, whereas his body was found in Thalaiyuthu area. According to the petitioner, wrong information creates doubt with regard to the real cause of death of the deceased.

5.Now the final report has been filed stating that it is an accidental death due to drowning. Postmortem was conducted. At that time, the body was found in a decomposed stage. The death caused due to drowning. The body where it was found shows that it is a simple water fall area. But no external injuries were found. So on that ground, final report has been filed stating that it is an accidental death. Since on the basis of the investigation it was concluded that it is a case of drowning, the question of transfer of investigation at this stage may not arise. If the petitioner is not satisfied with the conclusion of the investigation, then he has to work out his remedy before the appropriate forum for appropriate relief. Now the matter has become infructuous and disposed of as infructuous. But however, liberty is granted to the petitioner to work out his remedy through appropriate proceedings.

6.With the above said liberty, this criminal original petition is dismissed.

Sd/-

Assistant Registrar(AD-I)

// True Copy //

/06/2022

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.

WEB COPY

To,

- 1.The Superintendent of Police,
Dindigul District,
Dindigul.
- 2.The Inspector of Police,
Chathirappatti Police Station,
Dindigul District.
- 3.The Inspector of Police,
CBCID Police,
Dindigul District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.8164 of 2019
31/03/2022

RS (CO)
KB(27.06.2022) 3P 5C