



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD) No.8022 of 2021

and

Crl.M.P(MD) Nos.4135 & 4136 of 2021

WEB COPY

Muthu

...Petitioner

Vs.

1. The Superintendent of Police,
O/o. Superintendent of Police,
Ramanathapuram - 623 504.

2. The Deputy Superintendent of Police,
O/o. Deputy Superintendent of Police,
Ramanathapuram Division,
Ramanathapuram District - 623 504.

3. The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District - 623 504.

4. The Deputy Superintendent of Police
Crime Branch Crime Investigation
Department (C.B.C.I.D),
Madurai District - 613 005.

5. The Inspector of Police,
Crime Branch Crime Investigation
Department (C.B.C.I.D),
Ramanathapuram District - 623503.

...Respondents

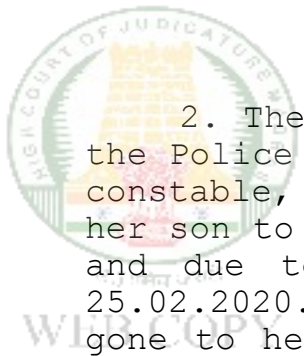
PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to transfer the investigation to the fourth respondent office for conducting fair and impartial investigation in Crime No.369 of 2021, dated 10.05.2021 on the file of the third respondent for a fair and impartial investigation and to direct the fourth respondent to file periodic reporting before this Court on the progress made in the investigation.

For Petitioner : Mr.R.Senthilkumar

For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

This petition has been filed seeking for a direction to transfer the investigation from the file of the third respondent to the file of the fourth respondent.



2. The case of the petitioner is that her younger son joined in the Police Department on 15.03.2010. One Chitradevi, who is a police constable, had fell in love with her son. Thereafter, she threatened her son to marry her. On the compulsion, he tied Thali on 29.06.2015 and due to the wedlock, they gave birth to a female child on 25.02.2020. However, she had refused to live with her son and had gone to her parents house. Thereafter, there was Mediation between them and even then, the said Chitradevi refused to live with the petitioner's son. While being so, the petitioner received an information from unknown person about the suspicious death of her son in police quarters at Ramanathapuram. Immediately, the petitioner's elder son lodged complaint against the deceased son's wife. On receipt of the same, the third respondent registered the F.I.R in Crime No.369 of 2021 under Section 174 of Cr.P.C. In fact, the deceased son's wife is working with the third respondent and as such, the third respondent simply registered the case under Section 174 of Cr.P.C., when there is specific allegation as against the wife of the deceased son.

3. The third respondent filed a status report. The learned Additional Public Prosecutor submitted that so far they examined six witnesses and their statements were recorded under Section 164 of Cr.P.C and investigation is under progress.

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

5. On a perusal of the records revealed that The third respondent did not complete the investigation and simply kept the F.I.R as pending.

6. Considering the above, the investigation in Crime No.369 of 2021, dated 10.05.2021 is hereby withdrawn from the file of the third respondent and transferred to the file of the fourth respondent for further investigation. On receipt of the entire Case Diary, the fourth respondent is directed to complete the investigation and file a final report within a period of twelve weeks thereafter.

7. With the above direction, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /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.

To

1. The Superintendent of Police,
O/o. Superintendent of Police,
Ramanathapuram - 623 504.
2. The Deputy Superintendent of Police,
O/o. Deputy Superintendent of Police,
Ramanathapuram Division,
Ramanathapuram District - 623 504.
3. The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District - 623 504.
4. The Deputy Superintendent of Police
Crime Branch Crime Investigation
Department (C.B.C.I.D),
Madurai District - 613 005.
5. The Inspector of Police,
Crime Branch Crime Investigation
Department (C.B.C.I.D),
Ramanathapuram District - 623503.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD) No.8022 of 2021
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MGJ(05.03.2022) 3P 7C