



**Crl.O.P.(MD) No.15108 of 2022**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 01.11.2022**

**CORAM**

**THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

**CRL.O.P (MD) No.15108 of 2022**

1.Jayapriya

2.R.Ganthimathi

...Petitioners

**-VS-**

1.The Director General of Police,  
601, Dr.Radhakrishnan Salai,  
Mylapore,  
Chennai-600 004.

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

3.The Inspector of Police,  
Thadicombu Police Station,  
Dindigul District.  
(Crime No.201 of 2022)

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to transfer the investigation in Crime No.201 of 2022 pending on the file of the 3<sup>rd</sup> Respondent to any other agency, for further investigation and file the final report.



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For Petitioner : Mr.S.Balaji

For Respondents : Mr.T.Senthil Kumar  
Additional Public Prosecutor

### **ORDER**

This Criminal Original Petition has been filed to transfer the investigation in Crime No.201 of 2022 pending on the file of the 3<sup>rd</sup> Respondent to any other agency, for further investigation and file the final report.

2.When the case came up for hearing on 19.09.2022, the learned Counsel for the Petitioner sought transfer of the investigation from the file of the third Respondent to any other competent agency, at that stage, this Court had directed the second Respondent, the Superintendent of Police, Dindigul, to supervise the investigation that has not satisfied with the investigation conducted by the third Respondent and hand over to any other competent officer and report the same to this Court within a reasonable period of one month. Further, the case was adjourned to 01.11.2022.



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3. Today, when the case came up for hearing, the learned Additional Public Prosecutor had filed the status report. Therefore, the Superintendent of Police, Dindigul, was directed to supervise the investigation and if he is not satisfied with the investigation conducted by the third Respondent, he shall withdraw the case diary filed from the third Respondent to any other Competent Officer as per his assessment and can proceed with the investigation. Therefore, the Superintendent of Police, Dindigul District, had filed the status report after supervising the investigation. As per the status report, the Superintendent of Police / Second Respondent is satisfied with the investigation conducted by the third Respondent, he has given details in the status report.

4. The learned Additional Public Prosecutor invited the attention of this Court to the contents of the Status Report filed by the Superintendent of Police, Dindigul District, in paragraph No. 8, 9 , 14, 15 and 17 that

*“8. humbly submit that the Hon'ble High Court of Madurai Bench in their orders dated 19.09.2022 issued in Crl.O.P(MD) No.15108/2022 (filed by Mrs.Jeyapriya) have directed the Superintendent of Police, Dindigul, to supervise the investigation and if he is not satisfied with the investigation,*



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*he shall withdraw the investigation and hand over to any competent officer and report the same to the Court within a reasonable period of one month.*

*9. I humbly submit that according to the High Court directions the complainant Tmt.Jayapriya, R.Gandhimathi (mother in law of complainant), Tr.Aru, Tr.Thangapandi, Tr.Gunasekaran and Tr.Mohanraj (Owner of the Crackers shop) were examined.*

***14.List of Inquest Witnesses:***

*(I) Tr.Maickam, age 66/2022 S/o.P.Sethu Manickam, Kovilpatti, Thoothukudi (Reddiyar Pipe Line Contractor)*

*(ii) Tr.Rajesh Kumar, Age 63/2022, S/o.Kasthuri Rengan, Kalanampatti, Dindigul District (Reddiyar -Mill Worker)*

*(iii) Tr.Saravana Kumar, Age 48/2022, S/o.Kannabiran, Palani (Reddiyar -Driver)*

*(iv) Tr.Anbu Raj, Age 36/2022, S/o.Kumar, Vilathikulam (Reddiyar – Welder)*

*(v) Tr.Ravichandran, Age 52/2022, S/o.Parasuranga Chettiyar, Vilathikulam (Reddiyar – Pipe line Contractor)*

*15.I humbly submit that the above said Inquest witnesses have jointly and severally stated and confirmed that Mr.Rajeshkumar, had been working*



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*in the Indian Army for 17 years and he retired from service and he was joined as an employee in “Arjun Crackers Shop” owned by Mr.Mohanraj.*

*He was carrying the fire crackers from the vehicle. All of a sudden by friction, the fire crackers were bursted out. While he was carrying the fire crackers form the vehicle parked in front of the fire cracker shop. Mrs.Jeyapriya, W/o. the deceased who living near the shop, heard the sound of explosions fire and saw the scene where her husband was found charred and dead. She lodged a complaint to Thadikombu Police Station and upon receipt of the complaint, a case in Thadikombu Police Crime No.201/2022 U/s.174 Cr.P.C. Accidental Fire was registered initially on 22.06.2022. After ascertained the fact through the examination of further witnesses, the section of law of the case has been altered into 286, 304(A) of IPC r/w.190(3), 192(A) Motor Vehicle Act.*

*17.I humbly submit that the enquiry conducted so far in this case is on proper due diligence and at most care to fine out the truth behind the occurrence. No suspicion of fact is found through the investigation. Suitable instructions have been issued to the Investigation Officer concerned to complete the investigation process and to lay final report before the Court at the earliest. I therefore submit that there is no necessity*



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*to transfer the investigation of the said case to any other agency.”*

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5. The Superintendent of Police, Dindigul District, as per the status report, which was filed by him as per the order of this Court, under the supervision of the investigation, he had given the details of the investigation and supervision conducted by him. The Superintendent of Police, Dindigul is satisfied in the investigation carried out by the third Respondent, details are furnished in the status report is the satisfaction of the Superintendent of Police.

6. In the light of the above, the investigation is on the right track. The case has been altered by invoking Sections 286 and 304(A) of IPC r/w. 190(3), 192(A) of Motor Vehicles Act and the investigation has been carried out within a limited span. The Respondents 2 and 3 are directed to file the Final Report of the investigation.

7. The learned Additional Public Prosecutor seeks time of two months to file the Final Report. The Respondents 2 and 3 are directed to file the Final Report before the learned Judicial Magistrate II, Dindigul within a



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period of two months. The Superintendent of Police, Dindigul shall supervise the investigation till filing of the Final Report.

8. With the above direction, this Criminal Original Petition is disposed of. No costs.

**01.11.2022**

Internet: Yes./No  
Index: Yes/no  
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**SATHI KUMAR SUKUMARA KURUP, J.**

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To

- 1.The Director General of Police,  
601, Dr.Radhakrishnan Salai,  
Mylapore,  
Chennai-600 004.
- 2.The Superintendent of Police,  
Office of Superintendent of Police,  
Dindigul District,  
Dindigul.
- 3.The Inspector of Police,  
Thadicombu Police Station,  
Dindigul District.  
(Crime No.201 of 2022)
- 4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

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