



CRL.O.P (MD) No.15937 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 19.09.2022

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THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.15937 of 2022

S.Lakshmi

... Petitioner

Vs.

1.The Director General of Police,
Mylapore,
Chennai – 600 004.

2.The Commissioner of Police,
Trichy City.

3.The Deputy Superintendent of Police,
CBCID,
Trichy - 620 020.

4.The Inspector of Police,
CBCID, Kaja Nagar,
Edamalaipatti Pudur,
Trichy - 620 023.

5.The Inspector of Police,
Government Hospital Police Station,
Trichy City.
(Crime No.279 of 2022)

6.The Inspector of Police,
Palayanur Police Station,
Sivagangai District.
(Crime No.23 of 2022)

...Respondents



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PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the first respondent to transfer the investigation of the case in Crime No.279 of 2022 pending on the file of the 5th respondent police to some other Competent Investigation Agency more particularly the Inspector of Police CBCID Trichy/4th Respondent herein.

For Petitioner : Mr.M.Shakul Hameed
For Respondents : Mr.R.Sivakumar
Government Advocate (Crl.side)

ORDER

This Criminal Original Petition has been filed to transfer the investigation of the case in Crime No.279 of 2022 from the file of the 5th respondent police to some other Competent Investigation Agency, more particularly, the Inspector of Police CBCID Trichy/4th Respondent herein.

2.The learned Government Advocate (Crl.side) appearing for the Respondents would submit that the dead-body was identified by the Investigating Officer, which was found to be in a decomposed stage. The mother of the deceased was taken to identify the body. She had stated that the physical appearance of the body look like her son's posture. Further, the learned Government Advocate (Crl.side) would submit that based on the



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mobile track, it was found that the wife of the deceased and her brother alleged to have spoken from the place at Moonar in Kerala with a borrowed mobile phone acquainting their mobile phone not working. The investigation is still at initial stage. The mother's help is required to confirm the body found from the Palaiyanoor limit be that of the Petitioner's son. He would further submit that in Trichy, there are many POCSO cases, so, the Police are busy with those cases. Therefore, in the sole phase of investigation, it is to be noted that many root wholes in the report submitted by the respondent.

3.It is the case of the Petitioner that the student of the deceased, by name, Nijendhan had stated certain facts regarding disappearance of the Petitioner's son. The 5th Respondent's Government Hospital Police Station had not enquired the Petitioner's relations regarding suspicion of the Petitioner's daughter-in-law in the disappearance of her son also. The stage of the investigation is not at all informed to the Petitioner, who is the mother of the person who disappeared. The fact that the femur bone of the person, whose body, found in the local limits of Palaiyanoor Police Station, Sivagangai District was shown to the Petitioner and she had admitted that



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there are similarities. Therefore, femur bone is preserved, but till date, no steps have been taken to take DNA test. It is not a proper speed in the case of a College Professor who was missing suddenly, that the phase of investigation is slow.

4.In these circumstances, the Commissioner of Police, Trichy City/2nd Respondent is directed to withdraw the case from the file of the Inspector of Police, Government Hospital Police Station, Trichy City/5th Respondent and transfer the same to any other officer, who is in the assessment of the second Respondent, not below the Rank of Assistant Commissioner of Police to proceed with the investigation and complete it within a reasonable period of three months and file a report before the Court of competent jurisdiction. The second Respondent shall also take steps to supervise the investigation.

5.With the above direction, this Criminal Original Petition is disposed of.

19.09.2022

Index:Yes/No

vsd

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(Crime No.23 of 2022)
- 7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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