



Crl.O.P.No.2868 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.2868 of 2023

Sumathi

... Petitioner

Vs.

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

2. The Inspector of Police,
Nallipalayam Police Station,
Namakkal District,
Namakkal.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., pleaded to direct the first respondent to transfer the case in Crime No.225 of 2022 on the file of the Nallipalayam Police Station to CBCID, Namakkal to secure the ends of justice.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.S.Santhosh
Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition has been filed seeking to direct the first respondent to transfer the case in Crime No.225 of 2022 on the file of the Nallipalayam Police Station to CBCID, Namakkal.

2. Learned counsel appearing for the petitioner submitted that the First Information Report in this case was registered for the offence under Section 174 Cr.P.C. @ 174 Cr.P.C., 279, 304(A) of IPC, for the death of petitioner's son Akash. The injuries sustained by the deceased show that he was physically tortured by his assailants, resulting in injuries and ultimately his death. The respondent Police has not done proper investigation in this case. Therefore, he sent a representation to the District Superintendent of Police alleging foul play in the death of her son. Even thereafter, no investigation was conducted. Therefore, the present petition has been filed to transfer the case from respondent Police Station to CBCID.

3. In response, the learned Government Advocate (Crl.Side) submitted that the investigation conducted by the respondent Police revealed that the deceased Akash, under the influence of alcohol, had ridden his two wheeler



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bearing registration No.TN-28-BE-0526 in a rash and negligent manner and hit against the corner of the bridge. As a result, he suffered injuries on the right side of his body and succumbed to the injuries. Therefore, further action was dropped on the First Information Report. The learned Government Advocate (Crl.Side) also produced the copy of the postmortem certificate and viscera report in support of the case of the prosecution that the victim had consumed alcohol and he died due of injuries suffered in accident.

4. Considered rival submissions. Perused the materials available on record. In the light of the rival submissions made by the learned counsel for both the parties, this Court do not want to go into the merits of the case. On considering the fact that the prayer in this case is to transfer the investigation in Crime No.225 of 2022 from respondent Police to CBCID, also in the light of the fact that the final report was already filed stating 'Further Action Dropped' in Crime No.225 of 2022, this Court dispose of this petition by giving liberty to the petitioner to challenge the final report before the learned Judicial Magistrate concerned.



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G.CHANDRASEKHARAN, J.

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5. With the above observation and direction, this Criminal Original
Petition stands disposed of.

09.02.2023

ham

Index: Yes/No

Speaking/Non speaking order

Neutral Citation Case: Yes/No

To

1. The District Superintendent of Police,
Namakkal District,
Namakkal.
2. The Inspector of Police,
Nallipalayam Police Station,
Namakkal District,
Namakkal.
3. The Public Prosecutor,
High Court of Madras.

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