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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 04.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.26130 of 2022

Kodeeshwari ... Petitioner

Vs.

1) The Superintendent of Police,
Kallakurichi District

2) The Deputy Superintendent of police,
Kallakurichi District

3) The Inspector of Police,
Kallakurichi Police Station
Kallakurichi District. ... Respondents

This Criminal Original Petition is filed under Section 482 Cr.P.C. to transfer the investigation pending in Crime No.397/2022 on the file of 3rd respondent police to any other investigation officer for conduct fair investigation in this case.

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For Petitioner : Mr.S.Ramajayam

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This petition has been filed for a direction to transfer the investigation pending on the file of the 3rd respondent in Crime No.397 of 2022 to any other investigation agency.

2. The petitioner is the sister of the deceased Arul Prakash. The said Arul Prakash fell in love with one Dhanushiya and they got married in a temple on 08.09.2022. This marriage was not to the liking of the family members of Dhanushiya. Hence, on 13.09.2022, the family members along with rowdy elements entered into the residence and there was a melee and the girl viz., Dhanushiya was also taken away. It is alleged by the petitioner that the persons who came to the residence had administered poison to her brother and as a result, he died in the hospital on 14.09.2022.

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3. The grievance of the petitioner is that the FIR was registered on 16.09.2022 under section 174 of Cr.PC based on the complaint given by the petitioner and thereafter, there has been absolutely no investigation. Left with no other option, the present criminal original petition has been filed before this Court.

4. Heard Mr.S.Ramajayam, learned counsel for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor for respondents.

5. The FIR was registered under section 174 of Cr.PC on 16.09.2022. When the matter was taken up for hearing, the learned Additional Public Prosecutor handed over the case dairy and also the postmortem certificate issued by the postmortem doctor attached to Government Mohan Kumaramangalam Medical College Hospital, Salem. It is seen from the postmortem report that the

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final opinion is reserved awaiting the Chemical analysis report and the viscera report. On going through the CD file, it is seen that the investigation officer has not even commenced the investigation by recording the statement of the witnesses under Section 161 of Cr.PC. It is almost 10 months since the FIR was registered and there has been absolutely no progress in the investigation.

6. On reading the FIR, it sounds as if the brother of the petitioner had purchased Poison on 14.09.2022 at about 5.30 a.m and consumed the same and thereby committed suicide.

7. The present case requires a through investigation. This Court is not satisfied with the manner in which the 3rd has investigated this case. Till date, the reason for the death has not been finalized since the viscera report is awaited. In view of the same, this Court is inclined to transfer the investigation from the file of the 3rd respondent.

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8. In the light of the above discussion, the investigation in Crime No.397 of 2022 is transferred to the file of Deputy Superintendent of police, Kallakurichi District. The 3rd respondent is directed to hand over the entire case diary file to the 2nd respondent. The investigation conducted by the 2nd respondent shall be monitored by the 1st respondent. The 2nd respondent shall complete the investigation as expeditiously as possible in accordance with law and a final report shall be filed before the concerned Court.

9. This Criminal Original Petition is disposed of accordingly.

04.07.2023

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Index :Yes/No
Internet:Yes/No
Speaking Order/Non-speaking Order

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To

1. The Superintendent of Police,
   Kallakurichi District

2. The Deputy Superintendent of police,
   Kallakurichi District

3. The Inspector of Police,
   Kallakurichi Police Station
   Kallakurichi District.

4. The Public Prosecutor,
   Madras High Court,
   Chennai.

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N.ANAND VENKATESH,J.

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