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Crl.O.P.No.22291 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.10.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.22291 of 2023

K.Chelladurai

... Petitioner

-VS-

State by

- 1.The Superintendent of Police,
Mayiladuthurai District,
Mayiladuthurai.
- 2.The Inspector of Police,
Poraiyar Police Station,
Poraiyar, Mayiladuthurai District.
(Cr. No.145 of 2023).
- 3.The Inspector of Police,
CBCID, Mayiladuthurai,
Mayiladuthurai District.
...Respondents

PRAYER : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to direct the 1st respondent to transfer the investigation in Cr.No.145 of 2023 on the file of the Inspector of Police, Poraiyar Police Station, Poraiyar, Mayiladuthurai District, the 2nd respondent herein to the file of the Inspector of Police, CBCID, Mayiladuthurai, Mayiladuthurai District the 3rd respondent herein.



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For Petitioner : Mr.C.Prakasam.
For Respondent : Mr.S.Udayakumar,
Government Advocate (Crl.Side)

ORDER

The petitioner herein is the father of one Kanakalakshmi, aged 29, on 29.07.2023, at about 06.30 pm, the said Kanakalakshmi was found dead hanging in the house of the petitioner. FIR for unnatural death was registered on the same day in Crime No.145 of 2023 by the respondent Police, alleging that the petitioner had affair with a boy by name Sakthivel living in the opposite house of the petitioner. Only due to his instigation and abetment Kanakalakshmi has committed suicide, but the police has not properly investigated the case, hence investigation should be transferred to CBCID is the prayer in the present Original Petition filed under Section 482 Cr.P.C.

2. Learned counsel for the petitioner submitted that for the past three years, the deceased Kanakalakshmi had affair with Sakthivel and since Kanakalakshmi belongs to downtrodden community, Sakthivel refused to marry her and that was the cause for the death. Since Sakthivel belongs to the higher Caste and having political influence, the Police are inactive.



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3. Learned Government Advocate submits that after registering the FIR, the investigation has been taken up and the Revenue Divisional Officer enquiry report is awaited. There is no lapse or negligence on the part of the Investigating Agency, which requires transfer of investigation.

4. This Court is satisfied with the manner in which the investigation so far conducted though the petitioner suspects one Sakthivel, it is not hard and fast rules to arrest the said Sakthivel, unless and otherwise strong evidence to implicate him in the unnatural death of Kanakalakshmi. It is always open to the respondent police to investigate the case to take appropriate decision. However to allay the apprehension of the complainant/petitioner herein, it is appropriate to direct the Superintendent of Police, Mayiladuthurai to monitor the investigation and expedite the process of filing final report at the earliest.

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

03.10.2023

Internet : Yes/No
Index : Yes/No
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Dr.G.JAYACHANDRAN, J.

rkp

To

- 1.The Superintendent of Police,
Mayiladuthurai District,
Mayiladuthurai.
- 2.The Inspector of Police,
Poraiyar Police Station,
Poraiyar, Mayiladuthurai District,
(Cr. No.145 of 2023).
- 3.The Inspector of Police,
CBCID, Mayiladuthurai,
Mayiladuthurai District.
4. The Public Prosecutor,
Madras High Court, Chennai.

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