



WEB COPY



Crl.OP.No.31360 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.31360 of 2022

A.Devika

...Petitioner

Vs.

1.The Assistant Commissioner of Police
Royapettah,
Chennai-600 014.

2.The Inspector of Police
E-2, Royapettah Police Station,
Chennai-600 014.

... Respondents

PRAYER : This Criminal Original Petition is filed under Section 482 of Cr.P.C., to transfer the investigation in Crime No.536 of 2021 pending on the file of the 2nd respondent Police or any other competent agency in the interest of justice.

For Petitioner : Mr.A.E.Ravichandran
For Respondents : Mr.S.Santhosh
Government Advocate (Crl side)



Crl.OP.No.31360 of 2022

WEB COPY

ORDER

This Criminal Original Petition has been filed to transfer the investigation in Crime No.536 of 2021 pending on the file of the 2nd respondent Police or any other competent agency.

2.When the matter is taken up, learned counsel for the petitioner submitted that even after filing of this petition, there is no progress in the investigation. Petitioner has materials like video clippings of recording made by the deceased Dr.A.Mageshwar of the conversation he had with his wife, cellphone and laptop of the deceased Dr.A.Mageshwar. These material pieces of evidences have not been collected by the respondent Police for the purpose of investigation. That apart, it appears that the respondent Police have not taken any steps for collecting call record details, CCTV footage available in the hotel etc. He further submitted that no inquest was conducted. Thus, when there is suspicion arose with regard to the cause of death of petitioner's son Dr.A.Mageshwar, the indifference attitude shown by the respondent Police not conducting proper investigation is not right.



Crl.OP.No.31360 of 2022

WEB COPY

3.In response, the learned Government Advocate (Criminal side) submitted that when the matter was heard, he was not properly informed that a negative final report was filed before the learned XVIII Metropolitan Magistrate, Saidapet. He further submitted that now he is informed that a negative final report was filed before the learned XVIII Metropolitan Magistrate, Saidapet. However, the learned XVIII Metropolitan Magistrate, Saidapet, has not accepted the negative final report and directed the respondent Police to conduct further investigation of the case. In pursuance of the direction given by the learned XVIII Metropolitan Magistrate, Saidapet, further investigation is being carried out by the respondent Police.

4.The learned Government Advocate further submitted that if the petitioner gives a representation and also produces the materials available with him in support of his suspicion with regard to the causes of death of his son, the respondent Police would consider the representation and the materials supplied by the petitioner for the purpose of investigation and file fresh final



Crl.OP.No.31360 of 2022

WEB COPY

5.Thus, this Court directs the petitioner to appear before the respondent Police during 23.01.2023 to 31.01.2023 and submit the representation along with whatever the materials he has in support of his suspicion with regard to the cause of death of his son. On such submission of representation and production of materials, the respondent Police is directed to take into consideration the representation, materials produced and also other evidence in the form of CCTV footage, call record details etc., during the course of investigation and file final report before the learned XVIII Metropolitan Magistrate, Saidapet, on the basis of their further investigation. The first respondent is directed to supervise the investigation.

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

09.01.2023

Index : Yes / No
Speaking / Non Speaking order
ep

Note:- Issue order copy on 11.01.2023



WEB COPY



Crl.OP.No.31360 of 2022

To

- 1.The Assistant Commissioner of Police
Royapettah,
Chennai-600 014.
- 2.The Inspector of Police
E-2, Royapettah Police Station,
Chennai-600 014.
- 3.The Public Prosecutor
High Court, Madras.



WEB COPY



Crl.OP.No.31360 of 2022

G.CHANDRASEKHARAN,J.

ep

Crl.O.P.No.31360 of 2022

09.01.2023