



Crl.O.P. No.2640 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.03.2024

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.2640 of 2024

M.Perumal

.. Petitioner

Vs.

1. The Superintendent of Police,
Dharmapuri District.
2. The Deputy Superintendent of Police,
Palakode, Dharmapuri District
3. The Inspector of Police,
Marandahalli Police Station,
Dharmapuri

.. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to issue direction to the respondents 1 and 2 to transfer the investigation in Crime No.240 of 2023 on the file of the 3rd respondent to any other competent investigating agency for fair and proper investigation based on the representation letter dated 04.01.2024.

For Petitioner : Mr.S.Thankira

For Respondents : Mr.A.Damodaran



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Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for transfer of investigation in Crime No.240 of 2023 pending on the file of 3rd respondent.

2. This Court directed the 3rd respondent to file a status report in this case and accordingly, the status report was filed and the relevant portions are extracted hereunder :-

2. I submit that based on the above complaint, a case was registered in Marandahalli Police Station Crime No.240 of 2023, u/s.174 Cr.P.C on 04.10.2023 at about 08.00 hours by Tr.Jeevanandam, Sub Inspector of Police and the same was submitted before me and took up the case for investigation.

3. I submit that during the course of investigation, I have visited to scene of occurrence and drew rough sketch and prepared observation mahazar in the presence of witnesses namely, Tr.Mariyappan and Tr.Muniyppan and examined the following witnesses and recorded their statements.

(i) Tr. Perumal - defacto complainant



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(ii) *Tr.Mani - son of the defacto complainant*

4. I submit that during the course of investigation, I have conducted inquest on deceased body in the presence of witnesses namely, Tr.Shanmugam, Tr.Perumal, S/o.Chinnapilai, Tr.Prakash, after that, the deceased body sent to the Government Hospital, Palacode for post mortem before through Tr.Madhappan, HC-412, after completion of Post mortem the deceased body was handed over to the petitioner/defacto complainant.

5. I submit that on 04.10.2023 and 31.10.2023, I have obtained Post Mortem Certificate and Viscera Report from Dr.K.V.K.Balasudha, Assistant Surgeon, Government Hospital and Scientific Officer, Dharmapuri, which reveals that "the deceased would appear to have died about 8-12 hours prior to autopsy and due to hanging and the above four (4) articles were examined but ethyl alcohol or other poison was not detect in any of them respectively.

6. I submit that after completion of elaborate and detailed investigation, the doctor's Report, based on the witnesses statements and material evidences, on 11.01.2024, I have closed the case in Marandahalli Police Station, Crime No.240/2023, u/s 174 Cr.P.C (hanging) as "Further Action Dropped" and the same was submitted before the learned Judicial Magistrate, Palacode and also served RCS No.55/2024 to the defacto complainant and the same was acknowledged on 11.01.2024.



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7. I submit that at this stage, the petitioner/father of deceased filed this present petition before this Hon'ble High Court, Madras direction to the respondents 1 and 2 to transfer the investigation in Crime No.240/2023 on the file of the 3rd respondent to any other competent investigating agency for fair and proper investigation based on the representation letter dated: 04.01.2024.

8. I submit that that the respondent police received complaint registered a case and conducted investigation in a free, fair and impartial manner and after completion of thorough and detailed investigation and closed this case as Further Action Dropped and the same was submitted before the competent court in accordance with law. Hence, for the above said reasons, at this stage, there is no necessity for further investigation as prayed by the petitioner.

3. The learned counsel for the petitioner submitted that the entire investigation was conducted by the 3rd respondent in a slipshod manner. The learned counsel submitted that to start with, the dead body of the deceased was not handed over to the petitioner and it was handed over to the husband, who has hurriedly conducted the cremation. The learned counsel further submitted that none of the witnesses on the side of the defense was examined the only persons who were examined during the course of investigation, were the husband and the relative of the husband. The 3rd



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submission that was made by the learned counsel for the petitioner is that the 3rd respondent has closed the case in a hurried manner and even the RCS notice was not served on the petitioner.

4. In the considered view of this Court, the grievance that has been raised by the petitioner *prima facie* looks very genuine. However, it is always left open to the petitioner to raise all these grounds before the concerned Jurisdictional Court viz., Judicial Magistrate, Palacode, Dharmapuri District, by filing a protest petition. The learned Magistrate is directed to deal with all the grievances that have been raised by the petitioner and take a decision in accordance with law. The learned Magistrate has very wide jurisdiction in this regard and hence, this Court is not inclined to exercise its jurisdiction under Section 482 of Cr.PC. The 3rd respondent is once again directed to serve fresh RCS notice on the petitioner with a period of one week from the date of receipt of a copy of this order. On receipt of the same, the petitioner is directed to file a protest petition before the concerned Magistrate Court and work out his remedy in accordance with law.



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5. This Criminal Original Petition is disposed of in the above terms.

11.03.2024

Index :Yes/No
Internet:Yes/No
Speaking/Non speaking order
rka



WEB COPY



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N. ANAND VENKATESH,J

rka

To

1. The Superintendent of Police,
Dharmapuri District.
2. The Deputy Superintendent of Police,
Palakode, Dharmapuri District
3. The Inspector of Police,
Marandahalli Police Station,
Dharmapuri

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