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Crl.O.P.No.8883 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.8883 of 2024

Mr.Siva.

... Petitioner/defacto complainant

/versus/

1. The Commissioner of Police,
Avadi Commissioner of Police,
Avadi, Chennai.

2. The Revenue Divisional Officer (RDO),
Thiruvallur District,
Thiruvallur.

3. The State of Tamil Nadu,
Rep. by the Inspector of Police,
T5, Thiruverkadu Police Station,
Thiruverkadu, Chennai – 600 077.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to issue direction to the respondents to further investigate the case in Crime No.1118 of 2018.

For Petitioner : Mr.K.Rajan

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



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ORDER

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This Criminal Original Petition is filed to issue direction to the respondents to further investigate the case in Crime No.1118 of 2018.

2. This Court has directed the Government Advocate (Crl.Side) to file detailed action taken report in Crime No.421 of 2018 on the file of Kulithalai Police Station as well as in Crime No.1118 of 2018 on the file of Thiruverkadu Police Station since both the complaints relates to one Azhagesan, who is the father of the petitioner earlier lodged a complaint before the Kulithalai Police Station for alleged wrongful restrain, intimidation and causing hurt. Two months after the lodging of complaint, the said Azhagesan died in a suspicious manner and therefore, complaint in Crime No.1118 of 2018 came to be registered by Thiruverkadu Police Station. The records produced by the Learned Govt. Advocate (Crl.Side) indicates that the complaint given by Azhagesan to the Kulithalai Police been investigated and final report filed before the Judicial Magistrate-II, Kulithalai. Whereas, the subsequent complaint given by this petitioner to the Thiruverkadu Police Station regarding suspicious death of Azhagesen been closed as mistake of fact.



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3. The Learned Counsel appearing for the petitioner submitted that

the incident which took place on 02.09.2018 has direct relevance to the suspicious death of Azahagesan on 18.10.2018 and furthermore, the conversation between the deceased Azhagesan and his daughter been recoded by the daughter, a vital piece of evidence which would indicate that Azhagesan has met his death not naturally and therefore, the closure report as mistake of fact has to be reconsidered. In the course of hearing, the Learned Counsel appearing for the petitioner had also submitted the pen drive alleged to contain the conversation held between the deceased and his daughter soon before his death.

4. The Learned Government Advocate (Crl.Side) for the respondent states that the said CD will be examined and if necessary, the complaint in Crime No.1118 of 2018 will be reopened for further investigation and necessary action will be taken.

5. In the light of the above fact, the present petition filed for further investigation in Crime No.1118 of 2018 is disposed of, directing the respondent herein to examine the pen drive given by the petitioner's counsel and take appropriate action in accordance with law.



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

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Index : Yes/No.

Neutral Citation : Yes/No.

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Copy to:-

1. The Commissioner of Police, Avadi Commissioner of Police, Avadi, Chennai.
2. The Revenue Divisional Officer (RDO), Thiruvallur District, Thiruvallur.
3. The Inspector of Police, T5, Thiruverkadu Police Station, Thiruverkadu, Chennai – 600 077.
4. The Public Prosecutor, High Court of Madras, Chennai.



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Dr.G.JAYACHANDRAN, J.

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