



Crl.O.P.(MD)No.2715 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.03.2024

CORAM :

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.(MD)No.2715 of 2024

and

Crl.M.P.(MD) No.2113 of 2024

Parakath Nisha

... Petitioner

Vs.

1.The Additional Director General of Police,
Crime Branch Crime Investigation Department (C.B.C.I.D)
No.220, Pantheon Road, Egmore,
Chennai - 8.

2.The Superintendent of Police,
Superintendent of Police Office,
Thanjavur District.

3.The Inspector of Police,
Cholapuram Police Station,
Thanjavur District.
(Crime No.7 of 2022)

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to transfer the investigation of Crime No.7 of 2022 on the file of third Respondent to the first Respondent office for conducting fair and impartial investigation and to direct the first



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Respondent to file periodic reporting to this Court on the progress made in the investigation.

For Petitioner : Mr.R.Karunanidhi

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl. side)

ORDER

The Petitioner had filed this petition seeking withdrawal of the investigation from the file of the third Respondent in Crime No.7 of 2022 to the first Respondent.

2.The learned Counsel for the Petitioner submitted that the Petitioner had lodged a complaint to the third Respondent that the Petitioner's son was missing. Based on the complaint of the Petitioner, a case was registered as F.I.R in Crime No.7 of 2022. But the third Respondent had not proceeded fairly with the investigation. Therefore, the Petitioner had filed this petition seeking withdrawal of the investigation from the third Respondent to the first Respondent.



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3.The learned Government Advocate (Criminal side) on instructions from the Respondents No.2 and 3 submitted that the investigation had been properly proceeding. It is his further contention that one Kesavamurthy, who is the fake Siddha Doctor was arrested for the man missing complaint related to one Ashokraj, who had gone to the said Kesavamurthy for the treatment of impotence. When the investigation proceeded in Ashokraj's case, it was found that the said Kesavamurthy had indulged in homosexual intercourse with the said Ashokraj and killed him. Subsequently, he had hidden the body of the said Ashokraj. Based on his confession, it is found that the son of the Petitioner, namely, Mohammed Anas was also murdered by the said Kesavamurthy. The bracelet, passport and silver chain worn by the son of the Petitioner was recovered from the place of the residence of the accused Kesavamurthy. Now, on further investigation, the Respondent Police had uncovered human skeleton on the backyard of the accused Kesavamurthy's residence which had been seized and sent for Forensic Science Laboratory for examination. Therefore, the relatives of the missing persons had been summoned to get the body samples for DNA test regarding the body parts recovered from place of crime of the accused Kesavamurthy's residence.

4.The learned Government Advocate (Criminal side) further



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contended that one Mohammed Faizel, who is an Advocate had sought permission to conduct protest before the Police Station which was refused.

Therefore, there was a delay due to the protest by the said Advocate on behalf of the family of the missing persons. The Investigation Officer had served summons on the Petitioner and the husband and had obtained blood samples to enable the DNA test to be conducted on the body parts recovered from the residence of the accused Kesavamurthy. Also, they had addressed letter to the Forensic Science Laboratory for an earlier report. On receipt of such report, the investigation will be completed within a shortest span of time.

5.Considering the stage of the investigation and the importance of the case, the Superintendent of Police, Thanjavur, is directed to supervise the investigation. The Superintendent of Police, Thanjavur, shall nominate an experienced Senior Officer ,who is in the cadre of Additional Superintendent of Police or Deputy Superintendent of Police to monitor the investigation and see to it that the investigation is proceeding properly. The investigation shall be completed within a period of three months from the date of receipt of a copy of this order or from the date of uploading the order on the website of this Court.



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6.With the above said direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

06.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
jbr

To

- 1.The Additional Director General of Police,
Crime Branch Crime Investigation Department (C.B.C.I.D)
No.220, Pantheon Road, Egmore,
Chennai - 8.
- 2.The Superintendent of Police,
Superintendent of Police Office,
Thanjavur District.
- 3.The Inspector of Police,
Cholapuram Police Station,
Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.,

jbr

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