



WP(MD) No.3623 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **19.02.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

W.P.(MD) No.3623 of 2024

Appasamy

... Petitioner

/vs./

- 1.The Director General of Police,
Office of the Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai.
- 2.The Additional Director General of Police,
CBCID,
Chennai.
- 3.The Superintendent of Police,
Office of the Superintendent of Police,
Thanjavur District.
- 4.The Inspector of Police,
Kumbakonam East Police Station,
Thanjavur District,
(Crime No.250 of 2022).
- 5.The Deputy Superintendent of Police,
CBCID,
Thanjavur District.

... Respondents

*(R-2 is suo motu impleaded and the rank of R-3, R-4 and R-5 is re-arranged,
vide order dated 19.02.2024 in W.P.(MD).No.3623 of 2024)*



WP(MD) No.3623 of 2024

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first Respondent herein to withdraw the case in Crime No.250 of 2022 on the file of the third Respondent and entrust the investigation to the fourth Respondent / The Deputy Superintendent of Police, CBCID, Thanjavur District herein for further investigation within the time stipulated by this Court.

For Petitioner : Mr.S.SathyaChidambaram

For Respondents : Mr.T.SenthilKumar
Additional Public Prosecutor

ORDER

The learned Counsel for the Petitioner submitted that the Petitioner had filed this Writ Petition for Writ of Mandamus, directing the first Respondent to withdraw the case in Crime No.250 of 2022 on the file of the third Respondent and entrust the investigation to the file of the fourth Respondent / The Deputy Superintendent of Police, CBCID, Thanjavur District.

2. It is the contention of the learned Counsel for the Petitioner that the Petitioner's son namely Maris @ Marimuthu admitted his wife namely Keerthiga, who was pregnant in the Government District Head Quarters Hospital at Kumbakonam, Thanjavur District on 29.04.2022. The Petitioner's son accompanied his wife in the Hospital. He had been staying with his wife in the said Hospital. While so, on 05.05.2022 at about 7.00 a.m., the said Maris @



WP(MD) No.3623 of 2024

Marimuthu was found bleeding injuries all over the body and was dead inside the rest room of the said hospital. When the deceased went to his wife ward, the security and nurses not allowed him due to which some wordy quarrel arose between them. When the parents of the Petitioner went to the hospital, some staff of the hospital was speaking on phone claiming there is commotion in the hospital and asked the other party to come to that spot in the hospital immediately. Later only, the Petitioner came to know that his son was found dead. Therefore, the case was registered based on the complaint of another son of the Petitioner namely, Mariappan. The said Mariappan lodged a complaint with the third Respondent, based on which a case was registered in Crime No. 250 of 2022 as suspicious death under Section 174 Cr.P.C. Till date, the investigation had not proceeded fairly. The Petitioner and his another son Mariappan, the complainant had not been examined as the witnesses. They had sent a representation on 18.07.2022 giving out the details of the occurrence leading to the death of the said Maris @ Marimuthu. The Petitioner and his son Mariappan strongly believing that the said Maris @ Maritmuthu was killed by the staff of the hospital. The son of the Petitioner Maris @ Marimuthu died with the blood injuries in the hospital toilet. Till date, proper investigation had not been conducted. Therefore, he seeks withdrawal of the investigation from the third Respondent to the fourth Respondent.



WP(MD) No.3623 of 2024

3. The learned Additional Public Prosecutor on instructions of the Respondents would submit that the third Respondent had already preferred Refer Charge Sheet and it was wrongly sent to the learned Executive Magistrate instead of the learned Judicial Magistrate No.I, Kumbakonam. He would further submit that the Respondent Police undertakes to furnish all the documents to the Petitioner and also issue notice to the Petitioner.

4. Considering the submissions of the learned Counsel for the Petitioner and the learned Additional Public Prosecutor, this Court *suo motu* impleads the Additional Director General of Police, CBCID, Chennai as second Respondent in this Writ Petition and the Respondents 2, 3 and 4 in this Writ Petition are re-arranged as Respondents 3, 4 and 5.

5. Since the fourth Respondent had dropped the action, this Writ Petition is allowed. The fifth Respondent is directed to proceed with the investigation after collecting the details of the FIR in Crime No.250 of 2022 from the file of the fourth Respondent. The Additional Director General of Police, CBCID, Chennai shall nominate a senior officer to continuously monitor the progress of the investigation to be conducted by the fifth Respondent, so that the investigation is completed in a time bound manner and file the final report of the investigation before the competent Court. The Petitioner is at liberty to



WP(MD) No.3623 of 2024

approach this Court for appropriate order, if any exigencies occur in future.

The Petitioner shall co-operate with the investigation conducted by the fifth

Respondent. No costs.

19.02.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Nsr

TO:

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SATHI KUMAR SUKUMARA KURUP, J.

Nsr

Order made in
W.P.(MD)No.3623 of 2024

Dated:
19.02.2024