



CrI.O.P.(MD)No.7798 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **05.02.2024**

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

CrI.O.P.(MD) No.7798 of 2022

Lamach Thangaraj

... Petitioner

Vs.

1.The Commissioner of Police
Tirunelveli City,
Tirunelveli.

2.The Inspector of Police,
Perumalpuram Police Station,
Tirunelveli City.
(Crime No.187/2021)

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the first respondent to entrust further investigation to an unbiased fair Investigating Officer to investigate on the cause of death of Arulviswasam on 23/06/2021 and to lay additional charge-sheet by bringing the real accused before the Court of Law for effective adjudication of case in P.R.C.No.96 of 2021 on the file of the learned Judicial Magistrate No.I, Tirunelveli.

For petitioner : Mr.D.Srinivasagam

For Respondents : Mr.S.Manikandan,
Government Advocate
(Criminal Side)



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ORDER

This petition has been filed seeking for a direction to the first respondent to investigate with regard to the cause of death of Arulviswasam on 23/06/2021 and further to lay additional charge-sheet by bringing the real accused before the Court of Law for effective adjudication of case in P.R.C.No.96 of 2021 on the file of the learned Judicial Magistrate No.I, Tirunelveli.

2. The case of the petitioner is that the petitioner, who is a retired Inspector of Police, aged about 82 years, has four sons. The name of his third son is Arulviswasam and his wife is working as a Teacher at Surandai. The said Arulviswasam had one daughter, viz., Joganapriya and now the petitioner is doing real estate business. His son Arulviswasam was also doing land brokerage business along with his friend one Jesapaul. On 22.06.2021, the said Arulviswasam left the house for getting money from his friend Jesupaul and he did not return back on that day, however, he was brought in a car and the petitioner's daughter-in-law noticed the injuries on the forehead of the said Arulviswasam and when the petitioner's daughter-in-law enquired about the same, he told that he was not feeling well. Thereafter, the petitioner's daughter-in-law did not disturb him and she allowed him to take rest.



Thereafter, the petitioner's daughter-in-law called the petitioner over phone and requested him to visit her house. The petitioner visited his son's house and the said Arulviswasam informed that he was brutally beaten by the said Jesupaul with regard to money dispute. Immediately, he was taken to the Tirunelveli Medical College Hospital and after examination, the Doctor told that the petitioner's son was brought dead. Due to which, the petitioner's daughter-in-law lodged a complaint before the respondent Police and the respondent Police registered a case in Crime No.187 of 2021 for the offence under Section 302 IPC and after conducting the investigation, the respondent Police filed a charge sheet in P.R.C.No.96 of 2021 before the learned Judicial Magistrate No.I, Tirunelveli and the learned Judicial Magistrate has taken cognizance in P.R.C.No.96 of 2021 for the offence under Section 302 IPC.

3. The learned counsel appearing for the petitioner would submit that the entire story put by the prosecution in the First Information Report and also in the present charge sheet were not the true reflection of the incident which was taken place on 22.06.2021. He would further submit that initially, the persons, viz., Jesupaul, Manikandan, who is the Police Constable and Mariyasiluvai are arrayed as Accused Nos.1, 2 and 3 in Crime No.187 of 2021 and except those



persons, no other persons were implicated in the above said offence.

However, the respondent Police did not conduct proper investigation and hurriedly, filed a charge sheet before the concerned Court. He would further submit that the petitioner made a representation on 29.06.2021 to the higher officials to conduct proper investigation in the above said crime. However, the said representation has not been considered till date. He would further submit that this Court may issue a direction to the respondent Police to consider the petitioner's representation and pass appropriate orders within a reasonable time.

4. The learned Government Advocate (Criminal Side) appearing for the respondent Police would submit that though the respondent Police has filed a charge sheet in P.R.C.No.96 of 2021 before the concerned Court, till date, committal proceedings are not yet completed.

5. In view of the above submissions made on either side, this Court directs the first respondent Police to consider the petitioner's representation dated 22.06.2021 in terms of Section 173(8) of Cr.P.C. and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.



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

05.02.2024

Index : Yes/No

Internet : Yes/No

TSG

To

1.The Judicial Magistrate No.I,
Tirunelveli.,

2.The Commissioner of Police
Tirunelveli City,
Tirunelveli.

3.The Inspector of Police,
Perumalpuram Police Station,
Tirunelveli City.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI. J.

TSG

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