



CrI.O.P.(MD) No.5992 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.07.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.5992 of 2024

M.Pushpavalli @ Pushbam

... Petitioner

Vs

**1. The Superintendent of Police,
Sivagangai, Sivagangai District.**

**2. The Inspector of Police,
Kalayarkoil Police Station,
Sivagangai District.
Crime No.17 of 2024.**

**3. The Inspector of Police,
CBCID,
Kanjirangal,
Sivagangai Town,
Sivagangai District.**

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the first respondent to transfer the investigation of the case in Crime No.17 of 2024, on the file of the second respondent Police Station to the third respondent and consequently direct the third respondent to file final report before the concerned Court within the time stipulated by this



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Court.

For Petitioner : Mr.Murugaraj R,
For Respondents : Mr.M.Sakthi Kumar
Government Advocate (CrI.Side)

ORDER

This criminal original petition has been filed seeking to transfer the investigation in Crime No.17 of 2024, pending on the file of the second respondent Police Station to the file of the third respondent and file final report.

2.The learned Counsel appearing for the petitioner submits that one Oyammai, aged about 65 years was murdered and the gold jewels owned by her were also stolen by the accused. The deceased is the mother of the person who is serving in Indian Navy and the another son of the deceased is working in abroad. The defacto complainant is the daughter of the deceased, who is residing at Kalaiyarkovil. The defacto complainant has called her mother on 11.01.2024, but the deceased did not pickup the phone. After verification, she came to know that her mother was found dead near a



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graveyard at Pechathangudi Village. The defacto complainant rushed to the spot and also lodged a complaint before the second respondent and on the same day, the case has been registered in Crime No.17 of 2024, for the offence under Section 174 Cr.P.C. The respondent police has also recovered the body and subjected the same for post-mortem. Thereafter, on 14.02.2024, they have altered the offence into 302 IPC. As per the post-mortem report, it appears that the deceased suffered multiple injury and due to that she died.

3.A detailed counter affidavit has been filed before this Court. But the respondent police has claimed that two special teams have been formed and they are searching for the accused. However, they could not find out the culprits. The Inspector of Police has also relied on the grounds observed in the judgment of this Court passed in the case of ***K.V.Rajendran Vs. Superintendent of Police, CBCID, Chennai and others***, in which, a case can be transferred to the CBCID.

4.This Court considered the submissions made and perused the materials placed on record.



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5.The complaint was lodged on 11.01.2024 and the investigation officer is said to have visited the scene of occurrence and conducted an inquest. He has noticed the injuries during inquest. However, he has registered the case under Section 174 Cr.P.C.

6.The case of the petitioner is that the petitioner's mother was wearing three sovereigns of gold chain, 1 sovereign of ear stud 1/2 sovereign of ear chain were found missing. Even then, the respondent police has altered the Section only for the offence under Section 302 IPC.

7.The respondent police has formed two special Teams and also searching for the accused. The respondent police are incapable of finding the real culprits. Since the respondent police are not capable of finding the accused even after conducting investigation for the past six months, this Court deems fit to entertain this petition. However, this Court is not inclined to transfer the investigation to the CBCID at this stage. Therefore, the Superintendent of Police, Sivagangai District, is directed to withdraw the case from the file of the Inspector of Police, Kalayarkoil Police Station,



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Sivagangai and entrust the same to a sincere officer within his/her District and ensure that the real culprits are found out.

8.It is a case of murder for gain. The respondent police has to conduct the investigation in an effective manner and find out the real accused. The action of the Police officials alone can give confidence to a common man to come out of house. This Court expects that the Superintendent of Police, Sivagangai District would form a proper team, monitor the investigation and ensure that the culprits are found out.

9.With the above direction, this criminal original petition is allowed.

10.07.2024

NCC : Yes/No
Internet:Yes/No
Index:Yes/No
LR



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Crime No.17 of 2024.

3. The Inspector of Police,
CBCID,
Kanjirangal,
Sivagangai Town,
Sivagangai District.

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



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B.PUGALENDHI, J.

LR

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