



W.P.(MD)No.9534 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.9534 of 2022

and

W.M.P(MD)No.22918 of 2022

Surekha

... Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Virudhunagar District.

2.The Additional Superintendent of Police,
Children and Human Trafficking Wing,
Virudhunagar District.

3.The Inspector of Police,
Srivilliputhur Town Police Station,
Virudhunagar District.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the third respondent to conduct re-investigation of the case in Crime No.49 of 2022 on the file of the third respondent and file a final report within a time stipulated by this Court by considering the petitioner's representation, dated 02.05.2022.

For Petitioner : Mr.T.Lajapathi Roy
Senior Counsel

for Mr.S.Rajasekar

For Respondents : Mr.B.Nambiselvan

Additional Public Prosecutor



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ORDER

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This Writ Petition has been filed to direct the third respondent to conduct re-investigation of the case in Crime No.49 of 2022 on the file of the third respondent and file a final report within a time stipulated by this Court by considering the petitioner's representation, dated 02.05.2022.

2.The case of the petitioner is that the petitioner is the mother of the deceased. On 22.01.2022, the petitioner went upstairs to drain the clothes and her son was alone in the upstairs for an online class. Again she went upstairs at about 11.00 a.m., had found that her son was hanging in the thin wire and she shouted. Thereafter, one Ajithkumar S/o. Murugan secured the petitioner's son and took him to the hospital through Auto. However, the Doctor declared that her son had died. Thereby, she made a complaint before the third respondent police. Pursuant to which, the third respondent police registered a case in Crime No.49 of 2022 for the offence under Section 174 of Cr.P.C. While there was no progress in the investigation, the petitioner filed a petition for transfer of investigation before this Court in CrI.O.P.(MD)No.5928 of 2022 and the same was dismissed on 30.03.2022. However, the expected suspects, namely, Pandi, Muthukaruppan and Ramasamy were not examined and the CDR reports of



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their respective mobile numbers were not even called off and without even obtaining the same, the final report was said to have been filed. Thereby, the petitioner approached the concerned Court to get the final report filed by the third respondent and her application was returned. Thereafter, the petitioner gave a representation to the respondents on 02.05.2022 and the same has not been considered till date. Hence, the present petition is filed.

3.The learned Senior Counsel for the petitioner would submit that earlier the petitioner filed CrI.O.P.(MD)No.5928 of 2022 before this Court for transferring the investigation from the file of the third respondent to CBCID, Virudhunagar and the same was dismissed on the ground that the investigation was over and the final report was being filed. He would further submit that as against the action dropped report, the petitioner filed a protest petition for reinvestigation before the trial Court. Pursuant to the direction issued by the trial Court, the respondent police forwarded the same to the Forensic Department and the forensic report is not yet secured. Hence, this Court may issue a direction to the third respondent police to complete the investigation after securing the report from the forensic authority and the same may be monitored by the second respondent.



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3.The learned Additional Public Prosecutor appearing for the respondents would submit that as per the direction issued by the trial Court, the report was forwarded to the Forensic Department for securing the expert opinion and immediately after securing the expert opinion, appropriate investigation will be completed in the manner known to law.

4.In view of the above, the third respondent police is directed to complete the investigation in the manner known to law, based on the forensic report, as expeditiously as possible. The investigation shall be monitored by the second respondent.

5.With the above directions, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes/No
Internet : Yes/No
NCC : Yes/No
Sji

07.03.2024

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1.The Superintendent of Police,
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2.The Additional Superintendent of Police,
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3.The Inspector of Police,
Srivilliputhur Town Police Station,
Virudhunagar District.

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



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M.DHANDAPANI, J.

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