



Crl.O.P.(MD)No.12505 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2024

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THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.12505 of 2024

Angel Mary Jesubai

... Petitioner

versus

1. The Director General of Police,
Police Headquarters,
Santhome High Road,
Chennai.
2. The Deputy Inspector General of Police,
Tirunelveli Region,
Tirunelveli.
3. The Superintendent of Police,
Nagercoil, Kanyakumari District.
4. The Sub Inspector of Police,
Asaripallam Police Station,
Asaripallam, Nagercoil,
Kanyakumari District.
5. The Inspector of Police,
CBCID, Nagercoil,
Kanyakumari District.

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, to direct the respondents 1 to 3



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herein to transfer the investigation of a case in Crime No.48 of 2024 dated 03.06.2024 from the file of the 4th respondent herein to the file of the 5th respondent herein and further, direct the 5th respondent herein to complete the investigation and to file a final report in a time bound manner.

For Petitioner : Mr.C.Kishore

For Respondents : Mr.M.Sakthi Kumar,
Government Advocate (Crl. side)

ORDER

The petitioner, who is the mother of the deceased in Crime No. 48 of 2024, has approached this Court seeking transfer of investigation from the file of the 4th respondent to the file of the 5th respondent.

2. The learned counsel for the petitioner submits that the Chief Doctor of the hospital, where the petitioner's son took treatment, has informed the petitioner that she got pressure from the influential persons not to conduct postmortem for the petitioner's son, the deceased in Crime No.48 of 2024. He further submits that the petitioner's son was not living in good terms with his wife and



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his wife's brother has created a problem in the hospital, on the date of death, not to conduct any postmortem. Therefore, the petitioner has filed this petition seeking transfer of investigation.

3. The learned Government Advocate (Crl. Side) submits that the case in Crime No.48 of 2024 was registered only on 03.06.2024, on the information from the hospital, under Section 174 Cr.P.C. and the investigation is at the initial stage.

4. This Court considered the rival submissions made.

5. The petitioner, the mother of the deceased in Crime No.48 of 2024, is having suspicion over the death of her son. It is quite natural for a mother. The respondent Police has registered the case in Crime No.48 of 2024 on 03.06.2024 and they are conducting the investigation. It is stated that the investigation is in the preliminary stage. Therefore, this Court is not inclined to transfer the investigation on the averments made in this petition, when the case



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itself was registered only on 03.06.2024. It may demoralize the Investigating Officer. At the same time, it is the responsibility of the Investigating Agency to find out the truth in Crime No.48 of 2024 by conducting a proper investigation. The Investigating Agency has to examine the petitioner, find out her apprehensions and reasonings and thereafter, take appropriate action. The Deputy Superintendent of Police of the concerned Division is also expected to monitor the investigation. The progress of investigation shall be informed to the petitioner, the mother of the deceased.

6. Accordingly, this Criminal Original Petition is disposed of. If the petitioner is still having any grievance that the investigation is not conducted in a proper manner, it is always open to her to renew this petition.

02.08.2024

Index : Yes / No.
Internet: Yes / No.
NCC : Yes/No.
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To

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Asaripallam, Nagercoil,
Kanyakumari District.
5. The Inspector of Police,
CBCID, Nagercoil,
Kanyakumari District.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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