



Crl.O.P.(MD)No.13350 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.13350 of 2024

M.Kanagajothi

: Petitioner/Complainant

Vs.

1.The Inspector General of Police,
South Zone, Madurai.

2.The Superintendent of Police,
Virudhunagar, Virudhunagar District.

3.The Inspector of Police,
Srivilliputhur Town Police Station,
Virudhunagar District.
Crime No.351 of 2023.

: Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the respondents 1 to 3 to withdraw the investigation in Crime No.351 of 2023 pending on the file of the third respondent police and transfer the same to any other competent officer for fair investigation in the interest of justice.

For Petitioner : Mr.G.Rakthi Rao

For Respondents : Mr.P.Kottai Chamy,
Government Advocate (Criminal Side)



ORDER

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This Criminal Original Petition filed, under Section 528 of BNSS., seeking orders, to direct the respondents 1 to 3 to withdraw the investigation in Crime No.351 of 2023 pending on the file of the third respondent police and transfer the same to any other competent officer for fair investigation in the interest of justice.

2. It is seen from the records that on the basis of the complaint given by the petitioner, FIR came to be registered in Crime No.351 of 2023, for the alleged offence under Section 174 of Cr.P.C.

3. The case of the petitioner is that on 10.08.2024 at about 04.20 pm, she got information through her relative that her son fell down from the upstairs of the Friends Club and that when he was taken to the Srivilliputhur Government Hospital, he was reported dead. The petitioner's further case is that since the petitioner is having suspicious in her son's death, she has given a CCTV footage to the police; that the petitioner came to know that the police officials have not recovered any hard disk from the said club and that though they have suspected the club owner, the respondent police has not conducted the



investigation in proper way and that therefore, the petitioner was constrained to file the present petition.

4. When the matter is taken up for hearing today, the third respondent has filed a counter affidavit stating that they have examined the witnesses and they are awaiting for vicera report.

5. The learned Government Advocate (Criminal Side) appearing for the State would submit that the petitioner's son was working in the Bar and when he was sitting in the terrace, he got a slip and fell down and one witness has deposed that the deceased was pulled down from the terrace.

6. Considering the facts and circumstances of the case and the stage of investigation, the petitioner is directed to produce the cell phone and other materials, if any available with her to the third respondent and the third respondent is directed to proceed with the investigation and file a final report before the jurisdictional Court within a period of two months from the date of receipt of copy of this order. The second respondent is directed to monitor the investigation.



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7. With the above directions, the Criminal Original Petition is disposed of.

20.09.2024

NCC : Yes/ No
Index : Yes/No
Internet : Yes/ No
das

To

- 1.The Inspector General of Police,
South Zone, Madurai.
- 2.The Superintendent of Police,
Virudhunagar, Virudhunagar District.
- 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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K.MURALI SHANKAR,J.

das

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