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CrI.O.P.(MD)No.18269 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.02.2024

CORAM:

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

CrI.O.P.(MD) No.18269 of 2022

M.Mahalingam

... Petitioner

Vs.

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

2.The Inspector of Police,
Kayatharu Police Station,
Kayatharu,
Thoothukudi District.

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, directing the first respondent herein to transfer the investigation of the criminal case under Crime No.321 of 2022 dated 18.08.2022 from the file of the second respondent to any other appropriate investigating authority and to monitor the investigation.

For petitioners

: Mr.K.R.Laxman

For Respondents

: Mr.B.Nambiselvan,
Additional Public Prosecutor

ORDER

This criminal original petition has been filed seeking for a direction to the first respondent herein to transfer the investigation of the criminal case in Crime No.321 of 2022 dated 18.08.2022 from the file of



the second respondent to any other appropriate investigating authority and to monitor the investigation.

2. The case of the prosecution is that the petitioner, who is the defacto complainant, is the father of the deceased. On 11.08.2022, at about 10.30 A.M., when the petitioner's daughter, viz., Lakshmi Priya and his wife, viz., Santhi went to S.M.Palamuthir Solai Juice Shop and purchased juice in parcel and thereafter, they came to his house and they both drank juice in their residence. The petitioner states that on the very same day evening, after drinking the said juice, both of them were collapsed and their health condition become worsen. Due to which, they took treatment in the Hospital. After taking the treatment, his wife got cured and his daughter died due to the poisonous juice intake. Hence, the petitioner made a complaint before the respondent Police and the respondent Police registered a case under Section 174 of Cr.P.C.

3. The learned counsel appearing for the petitioner would submit that initially the respondent Police has registered a case in Crime No.321 of 2022 for the offence under Section 174 Cr.P.C. and thereafter, there is no progress in the investigation. Hence, he requests before this Court to transfer the investigation to any other agency.



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4. The learned Government Advocate (Criminal Side) appearing for the respondent Police would submit that though the case was registered under Section 174 of Cr.P.C., on 18.08.2022, till date, the enquiry has not been completed by the Investigation Officer. Hence, this Court may issue a direction to the Superintendent of Police / first respondent to appoint a Special team to conduct the investigation.

5. In view of the fair submission made by both sides, this Court is inclined to dispose the present petition by giving necessary direction to the first respondent Police. Accordingly, the first respondent Police is directed to appoint a special team and the Special Team is directed to conduct the investigation in Crime No.321 of 2022 under the supervision of the first respondent Police and complete the same in the manner known to law within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this criminal original petition is disposed of.

29.02.2024

Index : Yes/No

Internet : Yes/No

TSG

<https://www.mhc.tn.gov.in/>



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To

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2.The Inspector of Police,
Kayatharu Police Station,
Kayatharu,
Thoothukudi District.

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



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M.DHANDAPANI. J.

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