



Crl.O.P.(MD) No.23354 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.03.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.23354 of 2023

and

CRL.M.P (MD) No.18135 of 2023

Gopalakrishnan,

... Petitioner

Vs

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

**2. The Deputy Superintendent Of Police,
Kulithalai,
Karur District.**

**3. The Inspector of Police,
All Women Police Station,
Kulithalai (I/c)
Palaviduthi Police Station,
Karur District.
Crime No.190/2023
(Palaviduthi Police Station).**

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the 1st and 2nd respondent to consider petitioner's representation dated 22.11.2023 and withdraw and transfer the investigation



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in Crime No.190/2023, on file of the 3rd respondent police to some other investigation agency and conducted the fresh investigation, first and second Respondent monitor the same and file a final report on the basis of the fresh investigation.

For Petitioner : Mr.K.R.Kishore Ram

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl. side)

ORDER

The learned Counsel appearing for the Petitioner submitted that the Petitioner had filed this petition seeking a direction against the Respondents 1 and 2 to transfer the case in Crime No.190 of 2023, from the file of the third Respondent to some other investigation agency and conduct fresh investigation and file final report before the court concerned.

2.It is the contention of the learned Counsel appearing for the Petitioner that the deceased woman had civil dispute with her adjacent land owners pending before the civil Court and also criminal cases with few persons, who are alleged to have attacked her and police complaints and FIR were pending. Based on the complaint given by the deceased woman,



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the Respondent Police had conducted investigation and after completion of investigation, a final report was laid before the Court concerned. After that, the learned Judicial Magistrate No.I, Kulithalai, had conducted trial. After conclusion of trial, the adjacent land owners, who are alleged to have attacked the deceased woman during her life time, were convicted for the offences. Under those circumstances, the Petitioner, who is the son of the deceased woman had raised suspicion on the cause of death of his mother. He further submit that the deceased woman was brutally murdered.

3.The learned Government Advocate (Crl.Side) on instructions of the Respondents submit that already investigation was completed and final report was laid before the Court of the learned Judicial Magistrate No.I, Kulithalai, which is numbered as P.C.R.No.2 of 2024.

3.In the light of the above, the learned Judicial Magistrate No.I, Kulithalai, is directed not to proceed with the committal proceedings in P.C.R.No.2 of 2024. The defacto complainant/the victim's son had filed this petition seeking further investigation. Under those circumstances, the learned Judicial Magistrate No.I, Kulithalai, is directed to record the



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statement of the Petitioner herein and based on the statement of the son of the deceased woman/the Petitioner herein, the learned Judicial Magistrate No.I, Kulithalai, shall pass orders for further investigation. Until such time further investigation had been completed, the learned Judicial Magistrate No.I, Kulithalai shall not proceed with committal proceedings. The learned Judicial Magistrate No.I, Kulithalai, is within his/her power to order further investigation with a copy to be marked to the Superintendent of Police, Karur, the Deputy Inspector General of Police, Trichy Range and the Inspector General of Police, Central Zone, Trichy.

4. With the above directions, this criminal original petition is disposed of. The Petitioner shall approach this Court after the orders to be passed by the learned Judicial Magistrate No.I, Kulithalai. Consequently, the connected miscellaneous petition is closed.

19.03.2024

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

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To

1. The Superintendent of Police,
Karur District.

2. The Deputy Superintendent Of Police,
Kulithalai,
Karur District.

3. The Inspector of Police,
All Women Police Station,
Kulithalai (I/c)
Palaviduthi Police Station,
Karur District.

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

Copy to

The Judicial Magistrate No.I, Kulithalai



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SATHI KUMAR SUKUMARA KURUP, J.

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