



W.P CrI (MD).No.2564 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2025

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P CrI (MD).No. 2564 of 2025 and
WMP CrI. (MD).No. 607 of 2025

A.Balamurugan

Petitioner

Vs

1.The Principal Secretary,
Home Prohibition and Excise Department,
Government of Tamil Nadu,
Secretariat, Chennai – 600 009.

2.The Director General of Police,
No.1, Radhakrishnan Salai,
Mylapore, Chennai – 600 004.

3.The District Collector,
Collectorate,
Sivagangai District.

4.The Superintendent of Police,
Sivagangai District,
Sivagangai District.

5.The Inspector of Police,
Singampunari Police Station,
Sivagangai District – 630 502.

Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 5 to transfer the investigation in Cr.No.159 of 2025 on the file of the Singampuneri Police Station, Sivagangai to the Central Bureau of Investigation or alternatively to transfer the investigation to a Special investigation Team, constituted and continuously monitored by this Court and to be headed by a Hon'ble Retired Judge of this Court and to direct the new investigating agency to file the final report within a time frame fixed by this Court.

For Petitioner : Mr.J.T. Rajasuriya

For Respondents : Mr. A. Abul Kalaam Azad
Government Advocate (Crl. Side)

ORDER

This Writ Petition has been filed seeking a direction to the respondents 1 to 5 to transfer the investigation in Cr.No.159 of 2025, pending on the file of the Singampuneri Police Station, Sivagangai, to the Central Bureau of Investigation, or alternatively, to transfer the investigation to a Special Investigation Team constituted and continuously monitored by this Court, to be headed by a Hon'ble Retired Judge of this



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Court, and to direct the new investigating agency to file the final report within the time frame fixed by this Court.

2. The learned counsel for the petitioner submitted that the petitioner's son, aged 7 years, died due to injuries sustained by him. However, the respondent police have stated that the death occurred due to asphyxiation, even though injuries are noted in the post-mortem report. According to the petitioner, this aspect was not properly considered and the investigation was not conducted properly. Therefore, a direction is sought to the respondent police to re-investigate the case.

3. The learned counsel for the prosecution submitted that the investigation has already been completed, the charge sheet has been filed, the committal proceedings are over, and the case is posted for hearing on 09.01.2026. At this stage, re-investigation cannot be ordered.

4. After considering the rival submissions, this Court is of the considered opinion that when the case is ready for trial, re-investigation cannot be ordered directly. Therefore, the petitioner is directed to file a



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protest petition before the concerned trial Court. On such filing, the trial Court shall direct the Superintendent of Police, Ramanathapuram District to re-investigate the case. The Superintendent of Police, Ramanathapuram shall conduct an enquiry regarding the injuries noted in the post-mortem report, the cause of death, and the possibility of involvement of any third party. The car in which the deceased was recovered shall also be re-examined. A report shall be submitted to the concerned trial Court, and on such report the trial Court shall conduct the case.

5. With the above observations, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

16.12.2025

Index : Yes / No

Internet : Yes

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S.SRIMATHY, J

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