



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 31.03.2022**

**CORAM:**

**THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN**

**CRL OP(MD) . No.12653 of 2020**

WEB COPY

B.Jayachitra

....Petitioner

Vs

1. The District Superintendent of Police,  
Tenkasi District,  
Tenkasi.

2. The Inspector of Police,  
Pavoorchatram Police Station,  
Tenkasi District.  
(Crime No.373 of 2019)

....Respondents

**PRAYER :-** Criminal Original Petition filed under Section 482 Cr.P.C.to transfer the investigation of the case in Crime No.373 of 2019 on the file of the 2nd respondent to any other investigation agency and to conduct fair investigation.

For Petitioner : Mr.A.Sankararamasubramanian

For Respondent : Mr.B.Thanga Aravindh  
Government Advocate (Criminal Side)  
for R1&R2

**ORDER**

This Criminal Original Petition has been filed to transfer the investigation of the case in Crime No.373 of 2019 on the file of the second respondent to any other investigation agency.

2.The learned counsel for the petitioner submitted that her father was brutally attacked by named three accused persons and admitted in the the Tirunelveli Medical College Hospital. On receipt of the report, the second respondent registered case in Crime No.373 of 2019, for the offences punishable under Sections 294 (b), 323, 506(ii) IPC. In continuation of his treatment, he died at Tirunelveli Medical College Hospital, due to the injuries sustained in the occurrence. However, the second respondent failed to alter the offence to Section 302 IPC.

3.The learned Government Advocate submitted that the petitioner's father died due to sudden cardiac arrest and to that



extent the Doctor has given a certificate. Therefore, the death not occurred due to the injury sustained by the deceased, at the time of occurrence, ie., on 04.09.2019.

4.In view of the above, transfer of investigation would not serve any purpose, since the second respondent completed the investigation and about to file a final report. At this stage, this Court is not inclined to allow this petition.

5.Accordingly, this Criminal Original Petition stands dismissed. However, the second respondent is directed to file a final report within two weeks, from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PNM

**Note:**

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. The District Superintendent of Police,  
Tenkasi District, Tenkasi.
2. The Inspector of Police,  
Pavoorchatram Police Station,  
Tenkasi District.
3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.A.SANKARAMASUBRAMANIAN, Advocate ( SR-15755[F] dated 31/03/2022 )

**CRL OP(MD). No.12653 of 2020**

Date : 31/03/2022

RK(13/04/2022) 2P 5C