

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 9-10-2015

CORAM:

THE HON'BLE MR. JUSTICE P.N.PRAKASH

Criminal Original Petition No.24809 of 2015
M.P.No.1 of 2015

M. Malaviya

.. Petitioner

Vs.

1. The Director General of Police,
Dr.Radhakrishnan Salai, Mylapore,
Chennai - 600 004.
2. The Superintendent of Police,
SCB, North Zone, CBCID,
220, Pantheon Road, Egmore,
Chennai - 600 008.
3. The Deputy Superintendent of Police,
CBCID, Organised Crime Unit,
Salem City,
Salem - 5.
4. The Inspector of Police,
Thiruchengodu Town Police Station,
Thiruchengodu,
Namakkal District.
5. The Joint Director,
Central Bureau of Investigation,
26, Haddows Road,
Nungambakkam,
Chennai - 600 034.

... Respondents

Criminal Original Petition filed under Section 482 of Code of Criminal Procedure with a prayer to direct the first respondent to transfer the investigation in Crime No.3 of 2015 on the file of the 3rd respondent police to the file of the Central Bureau of Investigation, the 5th respondent herein and to investigate the case by deploying a special investigation team with continuous monitoring of this Court.

For Petitioner : Mr.R.Shanmugasundaram,
Senior Counsel
for Mr.A.Kannan

For Respondents : Mr.S.Shanmugavelayutham,
Public Prosecutor
assisted by
Mr.C.Emalias,
Additional Public Prosecutor

Reserved on	Pronounced on
6-10-2015	9-10-2015

O R D E R

On 18.9.2015 one R.Vishnupriya, Deputy Superintendent of Police, Thiruchengodu, committed suicide by hanging, in connection with which originally a case in Cr.No.431 of 2015 under Section 174 of Cr.P.C. on the file of Thiruchengodu Town Police Station was registered and the case is now pending investigation in Cr.No.3 of 2015 on the file of third respondent/CBCID.

2. During the course of investigation, the Police found that there was exchange of telephone calls between the deceased R.Vishnupriya and the petitioner herein, who is a practising Advocate, and therefore the petitioner was called for an enquiry. According to the petitioner, he attended the enquiry, but in the course of enquiry, he observed that the Investigating Officer is attempting to close the suicide case as a love affair, and therefore the petitioner is seeking transfer of investigation to the CBI.

3. At the outset this Court finds that this petitioner has no locus standi at all, inasmuch as he is neither related to the deceased R.Vishnupriya, nor, even according to him, she was never in any relationship with him. Earlier one Mrs.Subbulakshmi Jagadeesan filed W.P.No.30092 of 2015 as a Public Interest Litigation to transfer the investigation of the case to the CBI, which writ petition came to be dismissed by the First Bench of this Court.

4. According to the petitioner, the Police are attempting to fix him in the suicide of the deceased Police Officer. This Court is unable to countenance the submissions made on behalf of the petitioner and this Court does not find any infirmity in the police investigation warranting transfer of investigation to the

CBI. At present the State CBCID , which is an elite Police organisation in the State of Tamil Nadu is seized of the matter, and the Police investigation cannot be suspected without adequate grounds thereof.

5. Further the petitioner is himself a suspect and in the opinion of this Court he is attempting to create a red herring in order to deflect the cause of investigation. In one breath the petitioner is contending that he only had professional contact with the deceased, but in his affidavit he has referred to various cases that was being handled by the deceased, which only shows his proximity to her. Therefore, the Police are justified in subjecting the petitioner to thorough examination in order to disinter information.

6. In the result, this petition is devoid of merits and the same is accordingly dismissed. Connected miscellaneous petition is also dismissed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

vr

To

1. The Director General of Police, Dr.Radhakrishnan Salai, Mylapore, Chennai - 600 004.
2. The Superintendent of Police, SCB, North Zone, CBCID, 220, Pantheon Road, Egmore, Chennai - 600 008.
3. The Deputy Superintendent of Police, BCID, Organised Crime Unit, Salem City, Salem - 5.
4. The Inspector of Police, Thiruchengodu Town Police Station, Thiruchengodu, Namakkal District.
5. The Joint Director, Central Bureau of Investigation, 26, Haddows Road, Nungambakkam, Chennai - 600 034.
6. The Public Prosecutor, High Court, Madras.

+2 ccs Mr.A.Kannan, Advocate, sr.55403
+1 cc to The Public Prosecutor, sr.55750

Cr1.O.P.No.24809 of 2015

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