



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2015

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE S.NAGAMUTHU**

Cr1.OP.(MD)NO.3911 of 2014

Murugesan

.. Petitioner

Vs.

1.The State of Tamilnadu,  
Rep. By its Secretary,  
Department of Home,  
Secretariat, Chennai.

2.The Superintendent of Police,  
Tirunelveli District, Tirunelveli.

3.Central Bureau of Investigation,  
represented by the Superintendent of Police,  
Shastri Bhawan, Nungambakkam,  
Chennai.

4.The Inspector of Police,  
Tenkasi Police Station,  
Tirunelveli District.

.. Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the respondent No.2 to withdraw the case in Crime No.62 of 2014 on the file of respondent No.4, and entrust the same to respondent No.3, for investigation of the case by a competent officer and file a final report before the jurisdictional Magistrate within the time stipulated by this Court.

For Petitioner :: Mr.R.Venkatesan

For Respondent :: Mr.C.Mayilvahana Rajendran

Addl. Public Prosecutor for R1, R2 & R4

Mr.S.Jayakumar for R3

Spl. Public Prosecutor for CBI cases

**ORDER**

The petitioner is the uncle of one R.Lakshmi Thangam, a student studying in St. Michael Girls Higher Secondary School at Keelapuliyur in Tenkasi Taluk. She was studying in 11<sup>th</sup> standard. She was staying in the hostel run by the School. According to the school authorities, on 19.02.2014, during night time, the girl was found unconscious in her room. Telephonic message was passed on to the family members. They rushed to the hostel and then took her to



a private hospital at Tenkasi, from where, she was taken to the Medical College Hospital at Tirunelveli. She never regained consciousness. Ultimately, she died on 20.02.2014. On the complaint made by the petitioner, the Head Constable attached to Tenkasi Police Station registered a case in Crime No.62 of 2014 under Section 174 Cr.P.C. The investigation was taken by the Sub Inspector of Police concerned. After inquest, the body was sent for postmortem. Dr.A.Selvamurugan, Associate Professor and Head of Department, Department of Forensic Medicine & Toxicology, Tirunelveli Medical College, Tirunelveli, found that there were no external injuries. There were also no remarkable abnormalities in the internal organs. He preserved viscera for chemical analysis and forwarded the same. The report of the analyst revealed that there was no poison in the visceral organs, kidney and intestines. Based on the same, he gave the following opinion "No definite opinion could be given regarding the exact cause of death. However, death due to tablet poisoning could not be ruled out." Based on the same, the Sub Inspector of Police has referred the case and dropped further investigation in the matter. Aggrieved over the same, the petitioner is before this Court with this petition.

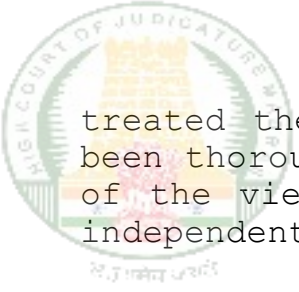
2. I have heard the learned counsel for the petitioner, the learned Additional Public Prosecutor and I have also perused the records carefully.

3. The learned counsel for the petitioner, by referring to the averments made in the petition, would submit that there is suspicion regarding the death of the deceased, but there was no investigation done thoroughly.

4. But the learned Additional Public Prosecutor would submit that since the Doctor had given opinion that exact cause of death could not be found out, the matter was closed.

5. I have considered the above submissions.

6. In my considered view, the stand taken by the respondent police cannot be accepted. When the visceral organs and kidney had shown presence of no poison, as per the report of the chemical analysis, it is not explained to the Court as to how the Doctor, who conducted autopsy, could conclude that death due to tablet poisoning could not be ruled out. Further, he has given opinion that the exact cause of death could not be ascertained. This Court is not satisfied with the stand taken by the 4<sup>th</sup> respondent that the case was closed based on the said opinion offered by the Doctor, who conducted autopsy. Though there would have been no eye witness, as to how, the girl became unconscious, there would have been circumstances from which, the cause for her unconsciousness could have been investigated and detected. Further, the Doctor, who treated the deceased in the hospital, has recorded that the history as stated by the patient's attenders was not reliable. The history stated is that the girl had taken tablets. Thus, the Doctor, who



treated the patient has a different opinion. This aspect has not been thoroughly investigated by the police. For these reasons, I am of the view that the matter requires thorough investigation by an independent agency.

7. In view of the above, this petition is allowed; the investigation in Crime No.62 of 2014 on the file of the Tenkasi Police Station is hereby reopened and the same is transferred to the file of the Deputy Superintendent of Police, District Crime Branch, Tirunelveli, who shall conduct further investigation in accordance with law and file final report. Consequently connected Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar (AS)

/True copy/

Sub Assistant Registrar

RR

To

- 1.The Secretary,  
State of Tamil Nadu, Department of Home,  
Secretariat, Chennai.
- 2.The Superintendent of Police,  
Tirunelveli District, Tirunelveli.
- 3.The Superintendent of Police,  
Central Bureau of Investigation,  
Shastri Bhawan, Nungambakkam,  
Chennai.
- 4.The Inspector of Police,  
Tenkasi Police Station,  
Tirunelveli District.
- 5.The Deputy Superintendent of Police,  
District Crime Branch, Tirunelveli District.
- 6.The learned Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+one cc to M/s.R.Venkatesan, Advocate in SR.No.42823

Cr1.OP.(MD)NO.3911 of 2014  
31.07.2015

CSL 19/08/2015/

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