



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.08.2017

CORAM:

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P.(MD)No.11099 of 2017

and

CRL.M.P.(MD)No.7600 of 2017

R.Thangaraj

... Petitioner

-Vs-

1. The Superintendent of Police,
O/o. The Superintendent of Police,
Kanyakumari District.

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

3. The Inspector of Police,
Vadaseri Police Station,
Kanniyakumari District.
(Crime No.170 of 2016)

... Respondents

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the first respondent to withdraw the case in Crime No.170 of 2016, dated 24.03.2016 under Section 309 r/w 109 I.P.C., on the file of the third respondent and to entrust the same to second respondent for an investigation of the case by a Competent Officer and to file a final report before the Jurisdictional Magistrate within the time stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.K.Anbarasan,
Government Advocate(Crl. Side).

O R D E R

This Criminal Original petition is filed for a direction to the first respondent to withdraw the case in Crime No.170 of 2016, dated 24.03.2016 under Section 309 r/w 109 I.P.C., on the file of the third respondent and to entrust the same to the second



respondent for an investigation of the case by a Competent Officer and to file a final report before the Jurisdictional Magistrate within the time stipulated by this Court.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Criminal side) appearing for the respondents.

3. It is the case of the petitioner that the petitioner is the father of one Miss Soniya. The petitioner admits that his daughter committed suicide by consuming Formaline. He also states that he was suspicious about the hospital Authorities and their intention and that he gave a complaint against the hospital Authorities. Though a case was registered in Crime No.170 of 2016 only under Section 309 I.P.C., r/w 109 I.P.C., it is stated that there was no further enquiry conducted.

4. The further contention of the petitioner is that he came to know that one Pon Jagadeesh used to visit the hospital to meet the Chairman of the hospital and that he developed a love affair with the petitioner's daughter Soniya. It is further stated that several complaints were made by the petitioner's daughter to the hospital Authorities about the misbehaviour of the said Pon Jagadeesh. It is also stated that no action was taken by the hospital Authorities, as against the said person by name, Pon Jagadeesh, who is stated to be the nephew of one Rajesh Sathya, a powerful person in the hospital.

5. The petitioner also states that due to harassment of the said Pon Jagadeesh, his daughter committed suicide. He further states that he sent a detailed representation to the respondents 1 to 3 to take action in connection with the crime. Alleging that the respondents have not shown any progress, the petitioner has come before this Court to transfer the investigation of the case.

6. One of the contentions of the learned counsel for the petitioner is that though the petitioner has produced many materials about the involvement of the said Pon Jagadeesh, there was no further enquiry.

7. The learned Government Advocate(Criminal Side) on instructions submitted that the case was altered from Section 309 I.P.C., r/w 109 I.P.C., @ 174 Cr.P.C., (Poisoning) to Section 306 I.P.C., after holding proper enquiry and after collecting materials involving the said Pon Jagadeesh.

8. In such circumstances, this Court do not find any reasonable cause for transfer of investigation. The petitioner has not pleaded any motive or *mala fides* against the investigation agency. In such circumstances, the Criminal Original petition is



dismissed. Consequently, connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-I)

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/True copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
O/o. The Superintendent of Police,
Kanyakumari District.
2. The Deputy Superintendent of Police,
CBCID, Tirunelveli District.
3. The Inspector of Police,
Vadaseri Police Station,
Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Pmu
AE/KP/SAR1/15.09.2017/3P/5C

CRL.O.P. (MD) No.11099 of 2017
23.08.2017