



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2017

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASANCrl.R.C (MD) No.70 of 2013

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Durai Rajan

... Petitioner

Vs.

1.State through
the Inspector of Police,
Karambakudi Police Station,
Pudukottai,
Crime No.319 of 2010.

2.Tamilselvi

3.Arunachalam Chettiar

... Respondents

Petition filed under Sections 397 read with 401 Cr.P.C, to call for the records from the Judicial Magistrate, Alangudi pertaining to the order of dismissal in R.No.11028/12 in Cr.No.319/2010 dated 13.12.2012 and set aside the same.

For Petitioner

: Mr.B.N.Raja Mohamed

For R - 1

: Mr.C.Mayilvahana Rajendran
Additional Public Prosecutor

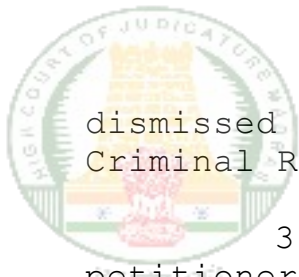
For RR - 2 & 3

: No appearance

ORDER

Challenging the order dismissing the petitioner's protest petition, this Criminal Revision Case has been filed.

2.The petitioner is the defacto complainant in Crime No.319 of 2010. The above complaint has been given on the ground that his son by name Manikandan was working as an Accountant, writing accounts for various shops and stayed in a lodge at Karambakudi. On 20.09.2010 he went to Karambakudi from his native village and on the same day, at about 01.30 pm., he has committed suicide by hanging in the room, where he stayed. Hence, the defacto complainant has given a complaint and based on the complaint, a crime has been registered under Section 174 Cr.P.C., After completing investigation, the respondent police filed final report stating that it is a case of suicide. Thereafter, the petitioner filed a protest petition before the Court below seeking reinvestigation. The Court below



dismissed the above application. Challenging the same, the present Criminal Revision Case has been filed.

3. Heard Mr. B. N. Raja Mohamed, learned counsel for the petitioner and Mr. C. Mayilvahan Rajendran, learned Additional Public Prosecutor appearing for the first respondent.

4. The learned counsel for the petitioner submitted that there is a grave suspicion in the death of the petitioner's son and at the time of death, blood was oozing out from the private part of the deceased. Apart from that, the deceased used to talk with one lady by name Dhanalakshmi and only at her instigation, he would have murdered. But the respondent police without conducting investigation properly, closed the complaint as a case of suicide. The Court below also without considering the protest petition in proper perspective, dismissed the petition. Challenging the same, the present Criminal Revision Case has been filed.

5. The learned Additional Public Prosecutor appearing for the first respondent submitted that after registering the case, proper investigation was conducted, an inquest was also conducted, the body was sent for post-mortem. The respondent police recorded statement of the defacto complainant; mother of the deceased; owner of the lodge and the lady who stated to have been in contact with the deceased and the entire investigation revealed that it is a case of suicide, and absolutely there is no material to suspect the death of the deceased. In the above circumstances, final report has been filed, closing the case as suicide. The Court below after considering all the materials available on record has rightly dismissed the petition and therefore, the order passed by the Court below does not require any interference.

6. I have heard the rival submissions made on either side and perused the entire records carefully.

7. The main allegation of the petitioner is that at the time of death, blood was oozing from the private part of the deceased and hence he suspected that it is the case of homicidal death and it cannot be suicide. Apart from that, the deceased also used to talk with one Dhanalakshmi and at her instigation, the death would have occurred.

8. In the above circumstances, this Court called for the entire case records and perused the same carefully. From the perusal of case records, it could be seen that the respondent police conducted the investigation properly. After death, inquest was conducted in the presence of panchayat members and none of them have raised any suspicion over the death of the deceased. Even the mother of the deceased did not raise any suspicion. The postmortem report also did not raise any suspicion no conclusive opinion was given with regard to death and absolutely there is no material



to suspect that it is a case of homicidal death. Hence, I find no illegality nor infirmity in the order passed by the Court below.

9. In fine, this Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar (Writs)

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/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate, Alangudi

2. The Inspector of Police,
Karambakudi Police Station,
Pudukottai,

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

COPY TO:

The Section Officer, Criminal Section (Records),
Madurai Bench of Madras High Court, Madurai.

mj

MAS/SV-MMS/SAR2:08.09.2017:3P-5C

Crl.R.C (MD) No.70 of 2013
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