

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 29.10.2018

CORAM
THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
CRL.O.P.No.18918 of 2018

M.Loganathan

.. Petitioner

Vs

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

2.State rep. by
The Inspector of Police,
Kavandapadi Police Station,
Erode.

... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to order transfer of investigation of the crime in Cr.No.125 of 2018 on the file of the 2nd respondent to any other investigation agency to conduct the investigation afresh.

For Petitioner : Mr.V.C.Janardhanan

For Respondents : Mrs.M.Prabhavathi, APP

O R D E R

The petitioner Loganathan has two daughters, Jayamani and Savithri. Loganathan is a prosperous agriculturist owning extensive lands. His elder daughter Jayamani was married to one Raja and they have two children namely, Dhanushya and Pavithra. Savithri the second daughter got married to one Gopalakrishnan and they have one son. On 18.03.2018, after harvest, Raja decided to remain in the fields and returned home on 19.03.2018 around 07.30 a.m. When he knocked the door, there was no response and when he peeped through window, he saw smoke emanating from inside. Therefore, with the help of one Sakthivel and Dakshinamurthy, he broke open the door and went inside the house. To his shock, he found his wife and two daughters lying unconscious in the bathroom. Immediately, Police was informed. The Revenue authorities and the Police came to the spot and shifted the three persons to the Government Headquarters Hospital, where they were declared dead. On the complaint lodged by Loganathan, the 2nd respondent Police registered a case in Crime No.125 of 2018 under Section 174 Cr.P.C. (triple death) and took up investigation. Under the supervision of the Deputy Superintendent of Police and the

Revenue authorities, inquest over the bodies were conducted by the Inspector of Police and on the request of the Police, Autopsy was conducted. After obtaining the Viscera Reports, the Doctor has opined that the death could be due to burns and its complication is HYPOLIMIA and ASPHYXIA. After recording the statements of several witnesses, the Investigating Officer has come to the opinion that the trio had committed suicide by self-immolation. They attempted to go to bathroom to douse the flame but in vain. According to the Investigating Officer, Jayamani was little upset that her father Loganathan was intending to give lion's share of the property to her sister Savithri and that could perhaps have triggered the suicide. Not satisfied with the investigation, Loganathan is before this Court.

2. Heard Mr. Janardhanan, learned counsel for Loganathan and the learned Additional Public Prosecutor.

3. Today, Mr. Santhamurthi, Inspector of Police, Kavandapadi Police Station is present before this Court.

4. Mr. Janardhanan contended that the photos do not show any signs of burns on the bodies of the three victims and strangely, all the three bodies are found one over the other in the bathroom and thus, there is a strong suspicion that the death would not have been on account of suicide, but could be homicide.

5. Per contra, learned Additional Public Prosecutor submitted that the investigation was supervised by the Deputy Superintendent of Police and the Revenue authorities and the Police have not been able to gather any other material to show that it was a case of homicide, especially, in the light of the fact that the doors were locked inside and they were forcibly opened by Raja and two others.

6. Learned Additional Public Prosecutor also contended that Loganathan did not suspect the involvement of his son-in-law Raja and had given a clean chit to him about which Mr. Janardhanan, learned counsel expressed reservations.

7. Learned Additional Public Prosecutor submitted that the Police have closed the case and have submitted the Closure Report to the Tahsildar in whose file the FIR is pending and attempted to serve RCS notice on Loganathan and he has received it.

8. On a perusal of the Case Diary, this Court does not find any serious infirmity in the investigation warranting transfer at this stage. However, in cases of this nature, evidence may not surface now. But, there is every likelihood of someone spilling the beans after sometime, which normally happen in the countryside. If some cooling time is given, there is a

possibility of getting fresh lead. Only on this short ground, this Court is setting aside the Closure Report and directs the Deputy Superintendent of Police, Erode District, to further monitor the investigation for a period of six months. In the meantime, the Police are directed to furnish a copy of the Postmortem Report, Viscera Report and Final Opinion of the Doctor to the petitioner herein. If after six months, the Police do not get any further lead, it is open to them to file the Closure Report before the jurisdictional Magistrate, so that the petitioner may have an opportunity to file a protest application. The Tahsildar, Bhavani, Erode District is directed to send the original FIR and all other documents in Kavandapadi Police Station Crime No.125 of 2018 to the Judicial Magistrate No.II, Gobichettipalayam within two weeks from the date of receipt of a copy of this order, after retaining photocopies of the same on file. The Closure Report if any, may be filed before the Judicial Magistrate No.II, Gobichettipalayam, under intimation to the de facto complainant.

With the above direction, this petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1.Judicial Magistrate No.II,
Gobichettipalayam.

2.The Tahsildar,
Bhavani, Erode District. सत्यमेव जयते

3.The Deputy Superintendent of Police,
Erode District,
Erode.

4.The Superintendent of Police,
Erode District,
Erode.

5.The Inspector of Police,
Kavandapadi Police Station,
Erode.

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6.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.P.Muthukumarassamy, Advocate, S.R.No.74839

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SR(CO)

rrs 19/11/2018



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