

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2018

C O R A M

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

Crl.O.P.No.1215 of 2013

Ramayee

...Petitioner

Vs.

1.State of Tamilnadu
Represented by
the Superintendent of Police,
Namakkal District.

2.The Inspector of Police,
Namakkal Town Police Station,
Namakkal.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to transfer the investigation in Cr.No.1598 of 2012, pending on the file of the second respondent to some other Investigating Officer and to direct the Investigation Officer to complete the investigation within a stipulated period.

For Petitioner : Mr.V.P.K.Gowtham

For Respondents : Mr.T.Shunmugarajeswaran
Government Advocate

ORDER

The petitioner is the wife of deceased Periyasamy. A First Information Report in Cr.No.1598 of 2010 under Section 174 of the Criminal Procedure Code, came to be registered by the Inspector of Police, Namakkal Town Police Station, on the basis of the complaint preferred by one Anandharaj S/o. Ramasamy, Manager of Rana Poultry Farm contending that late Periyasamy, committed suicide in "Rana Poultry Farm" in which the deceased was staying for the past 8 years.

2. In the present petition the petitioner has alleged that a mob headed by the owner of "Rana Poultry Farm" and relatives of the petitioner namely one Allimuthu, Gurumoorthy, Ramasamy,

Senthil Kumar, and Madheswaran, had murdered her husband due to some dispute with regard to their properties. According to her, the Inspector of Police, Namakkal Town Police Station, did not consider her representation and instead informed the petitioner that they would be filing a closure report in respect of the First Information Report registered in Cr.No.1598/2010 of Namakkal Town Police Station. She therefore, prays for transfer of the investigation from Namakkal Police Station to some other investigating agency.

3. Per contra, the learned Government Advocate would contend that the deceased Periyasamy, was away from his family members and was staying in Rana Poultry Farm, Namakkal and committed suicide on 04.09.2010. His further contention is that the postmortem report also revealed that it is a clear case of suicide and that no extraordinary injuries were found on the body of the deceased Periyasamy. He therefore, would contend that the investigation has been done properly by the Inspector of Police, Namakkal Town Police Station. According to him, in such circumstances, there is no necessity to transfer the investigation to some other investigating agency.

4. A perusal of the complaint dated 04.09.2010 preferred by the present petitioner shows that she had earlier lodged a complaint with the Inspector of Police, Namakkal Town Police Station in Cr.No.108/2010 alleging that her husband was Kidnapped by the owner of the Rana Poultry farm on 13.04.2010 from Bharathiyar Shanthi Illam, Sathiyamangalam, Erode, an old age home in which the deceased was previously residing. According to the complainant, her husband was produced before the Court in crime No.108/2010 and that the custody of her husband was not given to her but to the owner of "Rana Poultry Farm". It is not known as to why, she has not preferred any appeal against the order passed by the learned Magistrate, who had allegedly handed over the custody of the petitioner's husband to the owner of "Rana Poultry Farm". She had also not immediately lodged any complaint with the Police in this regard.

5. In the facts and circumstances, I do not find any reason to transfer the investigation to some other investigating Agency. However, the Inspector of Police before filing the closure report is directed to consider the petitioner's representation dated 04.09.2010.

6. With the above observations, this Criminal Original Petition is disposed off.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

dna

To

- 1.The Superintendent of Police,
Namakkal District.
- 2.The Inspector of Police,
Namakkal Town Police Station,
Namakkal.

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