

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2018

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.28515 of 2018
and
Cr1.M.P.No.16981 of 2018

F.Marlene Doggette

... Petitioner

Vs.

1.State by

The Inspector of Police,
Guduvancheri Police Station,
Kancheepuram District.
(Crime No.671 of 2018)

2.The Superintendent of Police,
Kancheepuram District,
Collectorate Compound,
Vandavasi Road,
Kancheepuram.

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 of Cr.P.C. to transfer the investigation in Crime No.671 of 2018 on the file of the respondent police to CBCID, Chennai.

For Petitioner : Mr.S.Ananthanarayanan, Senior Counsel
for Mr.V.Purushothaman

For Respondents: Mr.M.Mohamed Riyaz,
Additional Public Prosecutor.

ORDER

This Criminal Original Petition has been filed seeking for transfer of investigation in Crime No.671 of 2018, pending on the file of the respondent police.

2. Mr.S.Ananthanarayanan, the learned Senior Counsel representing the counsel for the petitioner would submit that the petitioner's husband was working at Saudi Arabia. On 05.09.2018, the petitioner received a call from one Alvina

Nagothi stating that her husband was in serious condition. This was immediately informed by the petitioner to her brother-in-law and he immediately contacted the said Alvina Nagothi and she informed that the petitioner's husband is being taken to the SRM Hospital. When the petitioner and her brother-in-law rushed to the SRM Hospital, on the way at Vandalur, they were informed that the petitioner's husband has died and thereafter, the petitioner and her brother-in-law took the body of the husband through ambulance.

3. The petitioner gave a complaint on 08.09.2018 and the respondent police have registered an FIR in Crime No.671 of 2018 under Section 174 Cr.P.C. The petitioner later came to know that the accused persons have made the husband to spent more than Rs.83,00,000/- from 14.08.2018 to 05.09.2018 and the flat was purchased in the name of accused persons worth a sum of Rs.60,00,000/-, apart from a car and other household articles. Only on that point of time, the petitioner came to know that the husband had died on 05.09.2018 at 4.20 p.m.

4. The last rites of the petitioner's husband took place on 10.09.2018. The learned Senior Counsel would submit that the entire investigation is being sabotaged by the Inspector of Police as well as the Deputy Superintendent of Police and all attempts are being made to close the case. There is sufficient evidence to show the involvement of the accused persons behind the death of the petitioner's husband. The various transactions that have taken place from 14.08.2018 to 05.09.2018, itself would show that the above said Alvina Nagothi has virtually extracted as much as possible from the petitioner's husband. That apart, the petitioner and her brother-in-law were informed as if the petitioner's husband is in a serious condition, when actually he already died on 05.09.2018 at 4.20 p.m. itself.

5. The learned Senior Counsel appearing for the petitioner would further bring to the notice of this Court, an order passed in Crl.O.P.No.24354 of 2018, wherein the said Alvina Nagothi had moved this Court, seeking for a direction to the respondent police not to harass her in the name of enquiry. The respondent police did not give proper particulars before this Court and therefore this Court directed the respondent police not to harass the said Alvina Nagothi. By resorting to this method, the said Alvina Nagothi had virtually avoided any enquiry in this case and this has happened with the active connivance of the respondent police and also the concerned Deputy Superintendent of Police.

6. The learned Senior Counsel also brought to the notice of this Court the detailed representation dated 16.10.2018 made to the Inspector General of Police, North Zone, bringing to the

notice of the said authority, the entire facts of the case and seeking for interference into the pending FIR. In spite of the receipt of this representation, there was no action taken even by the higher authority. Therefore, left with no other option, the petitioner has approached this Court, seeking for transfer of investigation.

7. The matter came up for hearing on 06.12.2018. The learned Additional Public Prosecutor took notice on behalf of the respondent. However, the learned Additional Public Prosecutor would submit that in spite of making the best attempts, the respondent police has not given any instructions and has not even met the Public Prosecutor in order to appraise the progress made in the investigation.

8. From the facts mentioned herein above and going by the conduct of the respondent police, this Court is not happy in the manner, in which the investigation is conducted in this case. The learned Senior Counsel appearing for the petitioner brought to the notice of this Court, several incriminating materials, which prima-facie creates a lot of doubts on the involvement of the above said accused persons in the crime. This case requires thorough investigation in order to know the real reason behind the death of the petitioner's husband. Therefore, this Court is inclined to transfer the investigation which is now pending on the file of the respondent police to the file of the Inspector of Police, CBCID, Kancheepuram.

9. The respondent police is directed to hand over the entire case diary to the Inspector of Police, CBCID, Kancheepuram, within a period of one week from the date of receipt of copy of this order. Immediately, on receipt of the case diary, the Inspector of Police, CBCID, Kancheepuram shall commence the investigation and proceed further in accordance with law.

10. Accordingly, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

lpp/vsa

To

1. The Inspector of Police,
Guduvancheri Police Station,
Kancheepuram District.

2. The Superintendent of Police,
Kancheepuram District,
Collectorate Compound,
Vandavasi Road,
Kancheepuram.

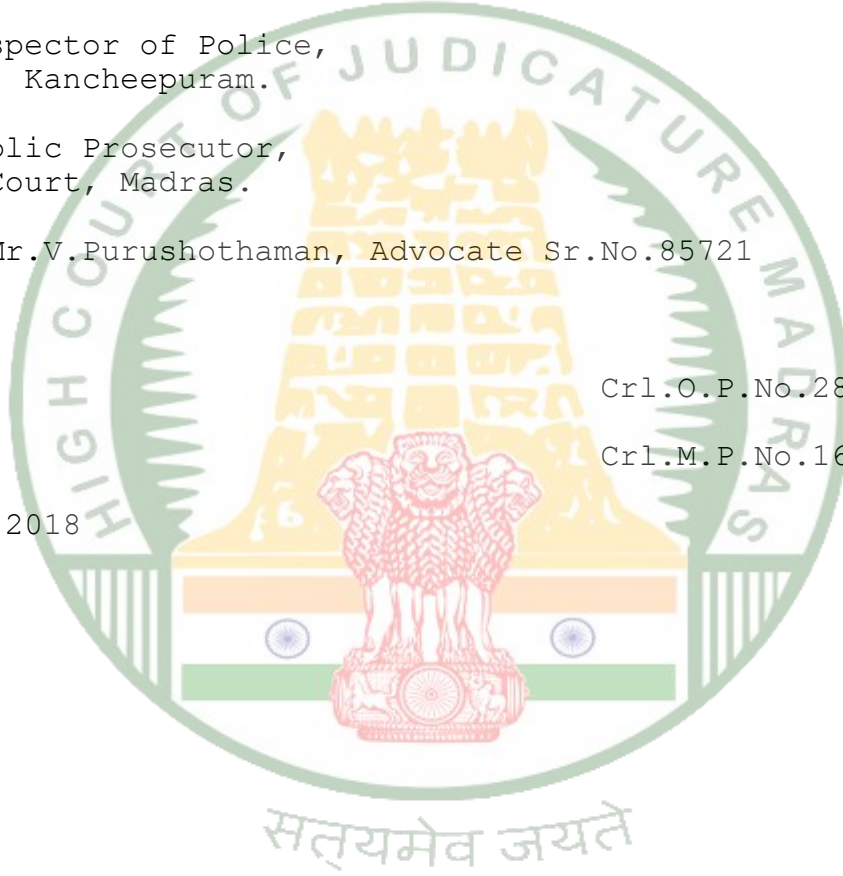
3. The Inspector of Police,
CBCID, Kancheepuram.

4. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.V.Purushothaman, Advocate Sr.No.85721

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CSL/20.12.2018



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