



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 03.10.2018
CORAM
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
Crl OP (MD) No.17244 of 2017

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Kaliradha ... Petitioner/Defacto Complainant

Vs.

1.The State of Tamil Nadu
represented through its
Director General of Police,
Chennai, Tamil Nadu.

2.The Inspector of Police,
Eral Police Station,
Eral.
[Crime No.305 of 2017]

3.The Inspector of Police,
CBCID,
Thoothukudi.

... Respondents/Respondents

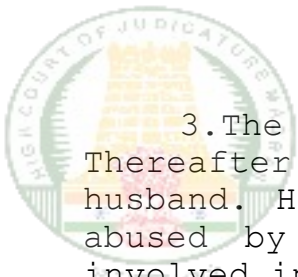
PRAYER:- Petition filed under Section 482 of Criminal Procedure Code, to direct the 1st respondent to transfer the further investigation of FIR in Crime No.305 of 2017 dated 20.09.2017, from the file of 2nd respondent police to 3rd respondent or to any other investigation officer not below the rank of Deputy Superintendent of Police (DSP) of some other investigation agency, on the basis of the petitioner's representation dated 25.09.2017.

For Petitioner	: Mr.P.M.Vishnu Varthanan
For Respondents	: Mrs.S. Bharathi, Government Advocate (Crl Side)

ORDER

This petition has been filed seeking to transfer the investigation in Crime No.305 of 2017, pending on the file of the second respondent.

2.It is the case of the petitioner that on 12.09.2017 at 2.30am, the petitioner's husband was taken by a team of Police, headed by the Inspector of police, Eral Police Station. The petitioner was not even informed the reason as to why her husband was taken to the Police Station. Thereafter, the petitioner went to the Police Station on the same day at 9.30am and she found that her husband was detained in the Police Station along with three others. The petitioner was not even allowed to meet and talk with her husband.



3.The petitioner waited in the Police Station till 2.00pm. Thereafter she pleaded with the Inspector of Police to meet her husband. However, no permission was granted and the petitioner was abused by the Police and she was told that the petitioner is involved in a murder case.

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4.On the same day, the petitioner's husband was let off from the Police Station with a warning that he should return on the next day and confess the commission of the offence. The petitioner's husband returned home and he left on 13.09.2017 at about 9.00 am and consumed poison and he was admitted in the Government Hospital, Thoothukudi. The petitioner's husband died in Hospital on 20.09.2017 at about 6.00am while undergoing the treatment.

5.It is the case of the petitioner that her husband took the extreme step only because of the torture meted out by the respondent Police. The FIR was registered by the second respondent in Crime No.305 of 2017 under Section 174 of CrPC on 20.09.2017.

6.The petitioner gave a detailed representation to the higher authorities, on 25.09.2017, complaining about the Police atrocities committed against her husband. Based on the representation, the Deputy Superintendent of Police, Srivaikundam, also issued summons to the petitioner on 27.10.2017. Subsequently, since no action was taken on the representation made by the petitioner, the present Criminal Original petition has been filed seeking to transfer the investigation from the file of the second respondent.

7.The second respondent has filed a status report filed before this court in which, it has been stated that the Police did not indulge in any violence against the petitioner's husband. The Police in fact have taken statements from various witnesses after Registration of FIR. It has also been stated in the status report that no external injuries were found in the body of the deceased at the time of postmortem and the petitioner's husband died only due to consumption of poison. The second respondent has also stated that the respondent Police after completion of the investigation have also closed the case as "action dropped". A closure report has also been filed before the Executive Magistrate, Srivaikundam.

8.On a careful consideration of the facts and circumstances, it is seen that there are very serious allegations made by the petitioner against the Police Officers, belonging to the Eral Police Station. The petitioner had also given a detailed representation dated 25.09.2017 to all the senior officers and superior officers for transfer of this case to some other Police Station or before some other superior officer. However, the case was continued to be investigated by the Inspector of Police, belonging to the Eral Police Station, against whom the petitioner has made very serious allegations.

<https://hcservices.ecourts.gov.in/hcservices/>

9.It can also be seen that the Police have proceeded to file a



final report before the Executive Magistrate. It means the final report has not reached the concerned Judicial Magistrate Court and therefore, the petitioner had no occasion to know about the fate of the complaint given by her.

10. This Court is convinced that the entire procedure adopted by the second respondent Police is illegal. This Court deems it fit to transfer the investigation in this case to the third respondent. The second respondent is directed to handover the entire CD file to the third respondent within ten days from the date of receipt of copy of this order.

11. The third respondent on receipt of the CD file, from second respondent, shall proceed to take the statement from the petitioner and thereafter investigate the case afresh by taking statements from other witnesses also and complete the investigation as expeditiously as possible and file a final report.

12. This Criminal Original Petition is disposed of with the above direction.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The Director General of Police,
Chennai,
Tamil Nadu.

2. The Inspector of Police,
Eral Police Station, Eral.
[Crime No.305 of 2017]

3. The Inspector of Police,
CBCID,
Thoothukudi.

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

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