

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 12.02.2018****CORAM:****THE HONOURABLE MR.JUSTICE P.N.PRAKASH****Cr1.O.P.(MD) No.4831 of 2017**

S.Petchinatha Pillai

... Petitioner

vs.

1.The Superintendent of Police,
Kanyakumari District,
Nagercoil.

2.The State Rep. by
The Inspector of Police,
Aralvoymozhi Police Station,
Aralvoymozhi,
Kanyakumari District.
(Crime No.374 of 2015)

3.The Joint Director and Head of Zone/CBI,
III Floor, E.V.K. Sampath Building,
College Road,
Chennai - 600 006.

4.The Superintendent of Police,
Special Police Establishment/CBI,
III Floor, Sasthiri Bhavan,
No.26, Haddows Road,
Nungambakam,
Chennai - 600 006.

... Respondents

PRAYER: Criminal original petition filed, under Section 482 Cr.P.C., to direct the case in Crime No.374 of 2015 on the file of the Inspector of Police, Aralvoymozhi Police Station to be withdrawn and transfer to the 4th Respondent for further effective, sincere and unbiased investigation in relation to the suspicious death of the Petitioner's father and lay the final report forthwith before the Court concerned.

For Petitioner : Mr.S.Palani Velayutham

For Respondents 1 & 2 : Mrs.S.Bharathi
Government Advocate (Criminal side)

For Respondent 3 & 4 : Mr.N.Nagendran
Special Public Prosecutor for CBI

**ORDER**

On 28.10.2015, Sahadevan Pillai committed suicide by consuming poison in his residence and therefore, on the complaint given by one Raji, Aralvoymozhi Police Station registered a case in Crime No.374 of 2015 under Section 174 Cr.P.C. The body of Sahadevan Pillai was sent for postmortem and after completing the enquiry, the case in Crime No.374 of 2015 was closed on the ground that the death of Sahadevan Pillai was only due to suicide and a closure report was filed before the Thasildar, Thovalai, Kanyakumari District. Not satisfied with the investigation, the petitioner, who is the son of deceased Sahadevan Pillai has filed the present Criminal Original Petition for a direction to the CBI to reinvestigate the case.

2.Heard Mr.S.Palani Velayutham, learned counsel appearing for the petitioner, Mrs.S.Bharathi, learned Government Advocate (Criminal side) for respondents 1 and 2 and Mr.N.Nagendran, learned Special Government Pleader for CBI for the respondents 3 and 4.

3.The learned counsel appearing for the petitioner submitted that the petitioner is serving as Nayak (DMT) in Indian Army; that even the complaint lodged by Raji in Crime No.374 of 2015 clearly implicated the Inspector of Police, Aralvoymozhi Police Station for having come to their house on 25.10.2015 and threatened the inmates; that only on account of the harassment of Aralvoymozhi Police, Sahadevan Pillai committed suicide; that the investigation in Crime No.374 of 2015 has been conducted in a biased and perfunctory manner by the Aralvoymozhi Police Station and that the petitioner made an application under Right to Information Act and obtained a reply from the Public Information Officer on 03.03.2017, wherein it is stated that the investigation was conducted by the Aralvoymozhi Police and that the case has been closed. On the strength of this information, the learned counsel for the petitioner submitted that when the allegation is against Aralvoymozhi Police, the investigation in Crime No.375 of 2015 ought not to have been conducted by them and therefore, the case deserves to be handed over to CBI or any other investigating agency.

4.Per contra, the learned Government Advocate (Criminal side) refutes the contention and produced the case diary.

5.This Court perused the case diary and found that the case in Crime No.374 of 2015 was not investigated by the Inspector of Police, Aralvoymozhi Police Station but it was investigated by the Inspector of Police, Vadacheri Police Station. Even in the RTI reply dated 03.03.2017, in column No.3, it is clearly stated that the investigation was done by the Inspector of Police, who was in charge of Aralvoymozhi Police Station. Therefore, the contention of the petitioner that the investigation in Crime No.374 of 2015



has been conducted by the Inspector of Police, Aralvoymozhi Police Station is incorrect. Since Aralvoymozhi Police was indicted in the complaint, the superior officers have directed the Inspector of Police, Vadacheri Police Station to conduct the investigation. The closure report filed by the Inspector of Police, Vadacheri Police Station in Crime No.374 of 2015, a copy of which has been served on the petitioner, states that the sons of Sahadevan Pillai, namely, Nagarajan and Bagavathi Perumal were involved in other cases and on 25.10.2015, there was a quarrel between them and a rival group, pursuant to which several persons were injured. The Inspector of Police, Aralvoymozhi Police Station Registered two cases in Crime No.372 of 2015 under Sections 147, 148, 294(b), 323, 324, 506(ii) I.P.C. and Section 4 of TNPWH Act and Crime No.373 of 2015 under Sections 147, 148, 294(b) and 323 I.P.C. against the members of the two groups, including Nagarajan and Bagavathi Perumal. Therefore, Aralvoymozhi police went to the house of the deceased in search of Nagarajan and Bagavathi Perumal for effecting arrest and bring the situation under control. Unable to withstand the fact that the two sons are wayward, their father Sahadevan Pillai committed suicide. In fact Sahadevan Pillai has even disclosed his mind to one Ramasamy Pillai that he is frustrated with his sons. It is also seen that five years back Sahadevan Pillai attempted to commit suicide by consuming tablets and on coming to know of the fact, he was rushed to the Government Hospital and his life was saved and hence, Sahadevan Pillai had propensity to commit suicide. In the opinion of this Court, just because Sahadevan Pillai committed suicide, the Inspector of Police, Aralvoymozhi Police Station cannot be held responsible for his suicide especially in view of the fact that they had gone on duty to apprehend the sons of Sahadevan Pillai.

6.In such view of the matter, this Court does not find any infirmity in the investigation conducted by Inspector of Police, Vadachery Police Station in Crime No.374 of 2015, for ordering reinvestigation. However, the Thasildar, Thoivalai, Kanyakumari District is directed to take photo copies of the records in Crime No.374 of 2015 and sent the original records to the Court of Judicial Magistrate, Boothapandy within a period of four weeks from the date of receipt of a copy of this order. Thereafter, liberty is given to the petitioner to file a protest application before the Judicial Magistrate, Boothapandi, within four weeks.

7.With the above observations, this Criminal Original Petition stands closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/



To:

1.The Judicial Magistrate,
Boothapandi.

2.The Thasildar,
Thovalai,
Kanyakumari District.

3.The Superintendent of Police,
Kanyakumari District,
Nagercoil.

4.The Inspector of Police,
Aralvoymozhi Police Station,
Aralvoymozhi,
Kanyakumari District.

5.The Joint Director and Head of Zone/CBI,
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No.26, Haddows Road,
Nungambakam,
Chennai - 600 006.

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

+1cc to S.Palani Velayutham, Advocate Sr.No.48104

SJ

VB/CVC/SAR2/27.02.2018/4P/9C

Cr1.O.P. (MD) No.4831 of 2017
12.02.2018