

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 22.02.2019
CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.18059 of 2016
and
WMP No.15846 of 2016

N. Ramamurthy

... Petitioner

Vs.

1. The State of Tamil Nadu
Rep. by its Secretary,
Department of Home
Fort St. George,
Chennai - 9.

2. The District Collector,
Nagapattinam District,
Nagapattinam.

3. The District Superintendent of police,
Nagapattinam District,
Nagapattinam.

4. The Inspector of Police
Poraiyar Police Station,
Nagapattinam District.

5. The Joint Director,
Central Bureau Investigation (CBI),
Chennai - 6.

... Respondents.

Prayer : Writ petition filed under Article 226 of the Constitution of India, directing the respondents 1 to 3 to consider the representation dated 03.05.2016 in accordance with law by transferring the case in crime No.226 of 2016 on the file of the Inspector of Police, Poraiyar, 4th respondent herein to Joint Director CBI, Chennai.

For Petitioner : Mr.S. Rajanikanth

For Respondents: Mr.M.Mohamed Riyaz

Additional Public Prosecutor for RR1 to 3

No appearance for R4 and R5

O R D E R

This petition has been filed to consider the petitioner's representation, dated 03.05.2016 and for a direction to the respondents 1 to 3 to c to transfer the case in crime No.226 of 2016 on the file of the Inspector of

Police, Poraiyar, 4th respondent herein to Joint Director CBI, Chennai.

2. The learned counsel for the petitioner would submit that earlier, this Court has directed to file status report and till date the same has not been filed. He further represented that this was the murder case, hence relief sought for may be granted.

3. The learned Additional Public Prosecutor filed status report before this Court and referred the relevant paragraphs in the said report. He has further represented that the enquiry was conducted and a Closure Report has been filed before the learned Judicial Magistrate, Mayilduthurai.

4. On a perusal of the relevant paragraphs of the Status report, which are extracted hereunder, it is seen that the investigation completed and Further Action dropped.

13. It is submitted that during the course of the investigation, I also examined the postmortem Doctors and also the Forensic Scientific expert and recorded their further statements.

14. It is submitted that the investigation reveals based on the examination of witnesses and material documents that the deceased - Saranya and Gurumurthy committed suicide by hanging on their own willing on 17.04.2016 at about 5.00 hours, due to the fear that their relatives do not allow them to live in the future jointly. Further, the said Saranya and Gurumurthy felt that both family members of them will not allow for the marriage of the said Saranya and Gurumurthy. Further, nobody is responsible for the above said commission of suicide by hanging by the Saranya and Gurumurthy and also no communal clash took place in the above said suicide.

15. It is submitted that the investigation further reveals that one Durga, who is the elder sister of Saranya had love affair with one Sivakumar, S/o. Chandrakasan (who belong to SC community) and got married six months back and lived in a Eravanchery Village happily.

16. It is submitted that now the investigation has been completed. Based on the examination of the witnesses, material documents, based on the final opinion of the Team of the Doctors concerned and also based on the expert opinion of the Forensic Scientific Expert, the case will be referred as "Further Action Dropped".

5. Considering the submission made by the learned Additional Public Prosecutor and by considering the facts and circumstances of the case, this writ petition stands closed with liberty to the petitioner to file private complaint.

Sd/-

Assistant Registrar(CS iv)

//True Copy//

Sub Assistant Registrar

vsi2/ssr

To

1.The Secretary,
State of Tamil Nadu
Department of Home
Fort St. George,
Chennai - 9.

2. The District Collector,
Nagapattinam District,
Nagapattinam.

3. The District Superintendent of police,
Nagapattinam District,
Nagapattinam.

4. The Inspector of Police
Poraiyar Police Station,
Nagapattinam District.

5. The Joint Director,
Central Bureau Investigation (CBI),
Chennai - 6.

6. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S. Rajanikanth , Advocate SR.No. 16816

W.P.No.18059 of 2016

A.SK(03/04/2019)

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