



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.09.2019

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD)Nos.2265 & 2874 of 2018

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Crl.O.P.(MD)No.2265 of 2018

T.Murugan

...Petitioner/3rd Party

-Vs-

1.The Superintendent of Police
Kanyakumari District,
Nagercoil

2.The Inspector of Police
Kottar Police Station,
Nagercoil-629 001

3. Latha Sivabalan

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the first respondent herein to take up the investigation of the Crime No. 653 of 2017, from the file of the second respondent herein, and to complete the investigation either by himself or to transfer it to some other Investigating Officer, having power to do so, within a time frame as may be fixed by this Court.

For Petitioner	: Mr.K.Sudalaiyandi
For R1 & R2	: Mr.K.Suyambulinga Bharathi
	Government Advocate (crl.side)
For R3	: Mr.T.Selvakumaran

Crl.O.P.(MD)No.2874 of 2018

K.Jegan Rajan

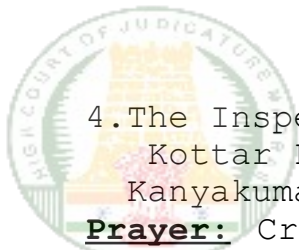
...Petitioner

-Vs-

1.The Director General of Police,
Kamarajar Salai,
Mylapore, Chennai.

2.The Deputy Inspector General of Police,
Palayam Kottai, Tirunelveli.

3.The Superintendent of Police
Kanyakumari District,
Kanyakumari.



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

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the respondents 1 to 3 to change the investigation in respect of Crime No.653 of 2017 on the file of the 4th respondent herein to the CBCID or any other investigation agency.

For Petitioner : Mr.N.Subramanian
For Respondents : Mr.K.Suyambulinga Bharathi
Government Advocate (crl.side)

C O M M O N O R D E R

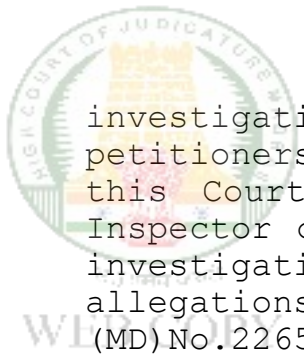
These Criminal Original Petitions have been filed to direct the first respondent herein to take up the investigation of the Crime No. 653 of 2017, from the file of the The Inspector of Police, Kottar Police Station, Nagercoil, Kanyakumari District and to complete the investigation either by himself or to transfer it to some other Investigating Officer.

2.The complaint has been lodged by the petitioner, who is being the step brother of the deceased as against her own mother of the deceased and brother of the deceased. He further alleged that the deceased was married with one Jeganrajan in the year 2015, she came down Nagercoil viz., to her parents house to attend the marriage of her own brother and then committed suicide by hanging herself. At the time of suicide she was also six months pregnant. Now, the Investigating Officer viz., the Inspector of Police, Kottar Police Station, Nagercoil, without even conducting an enquiry, has simply kept the matter under the clue of search. Therefore, the petitioner has sought for transfer of investigation.

3.The learned counsel for the defacto complainant / Latha Sivabalan would submit that the defacto complainant is none other than her own mother of the deceased. There is absolutely no evidence they instigate or commit suicide. She also made allegation as against the husband of the deceased.

4.The learned Government Advocate (criminal side) would submit that the marriage took place between the husband and deceased in the year 2015. They ordered Revenue Divisional Officer's enquiry and in the enquiry and is found that there is no dowry harassment or any other guilty by the husband of the deceased or the family of the deceased. After receipt of the Revenue Divisional Officer enquiry report, they are investigating the matter and about to file the same.

5.Considering the above facts, at this stage, transfer of investigation cannot be considered, it would affect the



investigation by the second respondent. According to the petitioners (Murugan and Jegan Rajan), they are seeking direction of this Court, to transfer the investigation from the file of the Inspector of Police, Kottar Police Station, Nagercoil, to any other investigating agency for the reason that they made so many allegations as against Latha Sivabalan/ third respondent in Crl.O.P. (MD)No.2265 of 2018, who is none other than the mother of the deceased. Now the Revenue Divisional Officer also filed a report in favour of Murugan and the husband of the deceased/Jegan Rajan. However, the Inspector of Police, Kottar Police Station, Nagercoil, Kanyakumari District, is directed to complete the investigation and file a final report within a period of two weeks from the date of receipt of a copy of this order.

6.With the above direction,these Criminal Original Petitions are dismissed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

Ls
To

- 1.The Director General of Police,
Kamarajar Salai,
Mylapore, Chennai.
 - 2.The Deputy Inspector General of Police,
Palayam Kottai, Tirunelveli.
 - 3.The Superintendent of Police
Kanyakumari District,
Kanyakumari.
 - 4.The Inspector of Police
Kottar Police Station,
Kanyakumari District.
 - 5.The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.
- +1 CC to M/s.T.SELVAKUMARAN, Advocate (SR-86027[F] dated 10/09/2019)
- +1 CC to M/s.P.JESSI JEEVA PRIYA, Advocate (SR-86192[F] dated 10/09/2019)

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KK/SAR/04.10.2019/3P-8C/