

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2020

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.OP.No.9344 of 2018

M.Venkatachalam

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Petitioner

Vs.

1.The Superintendent of Police
Krishnagiri District
Krishnagiri.

2.The Inspector of Police
Mathur Police Station
Krishnagiri District.
(Crime No.326 of 2014)

..

Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to pass an order of direction, directing the first respondent to transfer the investigation in Crime No.326 of 2014 on the file of the Inspector of Police, Mathur Police Station, Dharmapuri District, the second respondent herein, to any other Inspector of Police at Krishnagiri District to secure the ends of justice.

For Petitioner : Mr.K.Nagarajan

For Respondents : Mrs.P.Kritika Kamal
Govt. Advocate (Crl. Side)

ORDER

This case is taken up through Video Conferencing.

2. It is the case of the petitioner that his son who was working as a police constable committed suicide by hanging, on 27.07.2014, and that he suspects foul play in his death.

3. Per contra, the learned Government Advocate (Criminal Side) submitted that pursuant to the death of the petitioner's son, a case in Crime No.326 of 2014 was registered under Section 174 Cr.P.C., and after thorough investigation, the case was closed and the further investigation was dropped on 18.05.2015. She also submitted that the post-mortem report clearly shows that the deceased died due to hanging.

4. However, the learned counsel submitted that because of the cruelty meted out by the petitioner's daughter-in-law, his son must have committed suicide.

5. Unlike the suicide of a wife within 7 years of marriage, the suicide of husband will not result in automatic prosecution of the wife, since there is no presumption akin to Section 113(A) of the Evidence Act. Hence, no case is made out for transfer of investigation in Crime No.326 of 2014, on the file of the second respondent viz., the Inspector of Police, Mathur Police Station, Dharmapuri District, to any other police station.

6. Accordingly, the above Criminal Original Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Ds

To:

1.The Superintendent of Police
Krishnagiri District
Krishnagiri.

2.The Inspector of Police
Mathur Police Station
Krishnagiri District.

3. The Public Prosecutor,
Madras High Court,
Chennai - 600 104.

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