

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2020

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.6735 of 2020

Syed Hameedul Mulk,  
S/o.Syed Abdul Azee.

... Petitioner

Vs.

- 1.The Superintendent of Police,  
Krishnagiri District,  
Krishnagiri.
- 2.The Inspector of Police,  
Royakottai Railways Police,  
Krishnagiri District.
- 3.The Joint Director & Head of Zone,  
Central Bureau of Investigation,  
3<sup>rd</sup> Floor, EVK Sampath Building,  
Chennai - 600 006.
- 4.The Inspector of Police,  
Central Bureau of Investigation,  
Subba Road Avenue,  
Thousand Lights,  
Chennai - 600 006.
- 5.The Inspector of Police,  
Railway Police Station,  
Hosur.

[R5 is suo motu impleaded as per  
order in Crl.O.P.No.6735/2020 dated 24.03.2020]

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the 1<sup>st</sup> respondent to transfer the investigation in Crime No.108/2019 on the file of the 2<sup>nd</sup> respondent to the 4<sup>th</sup> respondent.

For Petitioner : Mr.U.Nirupen Chakravarthy

For Respondents: Mr.K.Srinivasan  
Special Public Prosecutor for CBI  
for R3 & R4

O R D E R

The petitioner, father of Syed Tanveer Ahmed, had filed this petition seeking transfer of investigation in Crime No.108 of 2019 from the file of 2<sup>nd</sup> respondent to the file of 4<sup>th</sup> respondent.

2. The case in Crime No.108 of 2019 was registered on the complaint given by one Shilpa W/o. Syed Tanveer Ahmed. This complaint came to be filed by the Royakottai Police Station, Krishnagiri District. The de facto complainant along with her mother and husband were residing in Royakottai. The de facto complainant's father and younger sister were residing in Bangalore and the de facto complainant's mother was a teacher in a Government School at Royakottai. Seven years prior, the de facto complainant got married to Syed Thanveer Ahmed of Iyyanavaram, Chennai. It was a love marriage and they did not have any children. Two years prior, the de facto complainant and her husband were working in Dublin, Ireland, now they were residing in the de facto complainant's mother house. The de facto complainant had purchased a apartment in MG Road, Bangalore. On 12.07.2019, her husband had gone to Bangalore to meet the Nitesh Builders. At about 11.15 a.m., he spoke with her and informed he is in Bangalore and thereafter, at 2.20 p.m., she was informed by him that he left from Bangalore and at 4.00 p.m., he reached Hosur and she was expecting him to reach home shortly. Since he failed to come back, the de facto complainant called her husband in his mobile at about 5.00 p.m., the phone was switched off. Thereafter, she enquired with her husband's friends, who informed that he had not contacted them. While leaving the house in the morning, her husband was wearing grey colour jeans and red and yellow colour T.shirt and he has a distinct mark on the left hand. She gave a complaint to find her husband, a man missing F.I.R. was registered. On 13.07.2019 a case in Crime No.25 of 2019 was registered. On the complaint of Rajesh Kumar Singh, Station Master, Hosur, the Station Master was informed by Yesuraj gang man that while he was on key man duty found a male dead body aged about 30 years lying in the middle of the track between Royakottai and Marandhavalli. On receipt of the complaint, a case under Section 174 (1) Cr.P.C., was registered. The complaint was registered by Hosur Railway police.

3. The petitioner herein, on 21.07.2019, gave a complaint to the Royakottai Railway Police. From the complaint, it is seen that the petitioner is a Retired Bank official from Vijaya Bank. The petitioner is the only son of Syed Tanveer Ahmed, who had studied BA, MBA and while studying at Vellammal Engineering College, Chennai, in the year 2007, his son developed a love affair with one Shilpa Sambath of Royakottai belonging to Christian Religion. In the year 2012, both of them got married at Bangalore, which was later informed by his son to him. The petitioner's son was working in IBM Company in Ireland for two years and thereafter, he and his wife came back and were residing in Bangalore. His son Syed Tanveer Ahmed purchased a Villa for Rs.1 Crore. Further, his son was without job for the past three months. He was informed by his son that, his wife was persisting to register the Villa in her name. On 15.07.2019, a police personal from Royakottai Police Station made enquiry with the petitioner with regard to missing of his son from 12.07.2019. At that time, he informed strained relationship between the son and his wife. On 21.07.2009 at 10.00 a.m., he was informed about the death of his son. The petitioner along with his brothers and other relatives had come to Government Hospital, Dharmapuri, where they found his son's body and noticed that there was injury on the left side of the head which appeared to be caused by a crow bar. There was a rope mark on the left shoulder. Hence, his son might have been murdered by somebody and thrown in the railway track and hence, he is having suspicion in the death of his son.

4. He further submitted that his son's death is covered and attempted to be closed as rail accident. Thereafter, he sent a representation on 20.08.2019 to the Superintendent of police Railway, Egmore, Chennai, on suspicious death of his son. In the complaint, he had stated about his suspicion and finding of mark in hand, missing of shoes and shoulder bag. The petitioner saw his son's body, his son's head was completely shaved and he was wearing slippers and lungi. No sniffer dog was employed, despite the petitioner informing doubt in the manner of the death of his son. The petitioner's son was having some misunderstanding with M/s.Nitesh builders from whom he had purchased the Villa at Bangalore. Further, when he enquired the police, he was informed that his son lost money in the share market and hence he was in depressed mood. The password of his son's bank account was changed by his wife Shilpa. Further, when his son had come back from Ireland, he came to petitioner's house and informed that he and his wife are not in a good relationship and he planned to get divorce from her. Thus, the petitioner's son's death was surrounded with mystery. The police were not conducting proper investigation and are attempting to close the investigation as a rail accident. Hence, the present petition.

5. The contention of the petitioner is that the petitioner's son's matrimonial life was not cordial and he had difference of opinion with his wife. Further, he had some dispute with Nithish builders. From the information received from the service providers, the mobile phone tower location reveals that his son reached Madhivalla, as per phone tower, the mobile phone got switched off there. The said Shilpa states that after reaching Madhivalla, she received message from her husband, which is highly doubtful. Hence, he got suspicion on the death of his son.

6. Learned Additional Public Prosecutor had filed a status report and submitted that a case in Crime No.25 of 2019 under Section 174 Cr.P.C was filed by the Royakottai Railway police. During the investigation, it was found that the petitioner's son Syed Thanveer Ahmed married Shilpa on 06.02.2012 at Bangalore. The said Shilpa belongs to Christian religion and the marriage was held as per Christian Matrimonial rites. This marriage conducted without the consent of the petitioner. The said Shilpa and petitioner's son were classmates in Vellamal Engineering College and they fell in love. After completion of Engineering, they both got married in Bangalore. Both of them employed in Oracle company. Thereafter, they left to Ireland, came back and purchased a Villa at Bangalore and presently, the petitioner's son was without job and he lost money in share trading and he was in a depressed mood. The deceased Syed Thanveer Ahmed purchased a house in Bangalore for Rs.1,30,00,000/-. He paid amount of Rs.25,00,000 from his bank account and obtained loan amount from HDFC Bank on monthly EMI Rs.1,06,498/- for 180 months and he had paid two instalments so far.

7. On 12.07.2019 at about 6.30 a.m., the said Syed Thanveer Ahmed left the house of his mother-in-law in Royakottai and informed that he was visiting the Citi bank at Bangalore, at that time his wife Shilpa was sleeping. He went to Bangalore, visited the bank by 11.16 a.m., and thereafter, visited M/s.Nitesh Housing developers at about 12.18 p.m., and after completion of work, he informed to his wife at 4.01 p.m., that he reached Hosur and thereafter, his mobile no.9620094648 was switched off. His wife and his mother-in-law phoned up several times and they were unable to contact him. After making search of him on 13.07.2019 at about 10.00 a.m., his wife lodged a complaint at Royakottai Police Station and a case in Crime No.108 of 2019, for man missing was registered. Thereafter, on 21.07.2019 the body of the deceased Syed Thanveer Ahmed was located in the Railway track between Royakottai and Marandahalli Railway Station. Thereafter, a case, on the complaint of the Railway Station Master, was registered under Section 174 Cr.P.C., and investigation commenced. During investigation, the phone calls, the bank account and transaction were verified. It

was found that the deceased transferred some amounts between 08.07.2019 to 11.07.2019 to his wife, petitioner and others. Earlier to it, the petitioner made enquiry on missing of his son and when the petitioner wanted to meet Shilpa, she failed to meet them at Bangalore giving reason that she was pregnant and met her maternal uncle Rajkumar who appraised the steps taken in search for missing of Syed Thanveer Ahmed. Later, the petitioner returned to Chennai on the night of 15.07.2019. The petitioner is a witness to the inquest conducted on the body of the deceased Syed Thanveer Ahmed. The petitioner conducted the last rites of his son as per Muslim custom. At that time, the petitioner not raised any suspicion on the death of his son. The petitioner was not happy on his son marrying Shilpa, a Christian and the marriage performed as per Christian matrimonial rites. Further, the purchase of the villa in the name of his daughter-in-law is also a concern.

8. He further submitted that the body of the deceased was first seen by the track attender on 21.07.2019 at about 9.30 a.m., who informed the Station Master, who lodged the complaint. The CCTV footage taken from Hosur and Royakkottai Railway Station, shows that the petitioner son / deceased was walking alone to get ticket. Further, the colour of his shirt, pant that he was having a lungi in his hand and had moderately grown hair in his head are identifiable with the deceased and similar to the photos of CCTV footage and the dresses found on him on the scene of occurrence. It is also found that the deceased was in the habit of share trading and during the period 12.07.2019 to 20.07.2019, he used the share market account of mother-in-law and was trading. The petitioner's son lost job at Ireland and unable to pay bank loan dues, caused depression, added to it the deceased lost money in the share trading which resulted in the sad end. The phone numbers of his wife and mother-in-law was hand written in a small thick paper found from the deceased, which was found in his pant pocket and the investigation is conducted fairly. The requisition letter has been sent through Interpol on 24.12.2019 to Ireland in order to ascertain the contacts and activities of the deceased. In addition to that, Letters were sent to Goolge company as well as Whatsapp Company through Chennai Railway Police Cyber Cell Office, Chennai on 26.12.2019 to ascertain the details of conversation between the deceased and his wife Shilpha during the period from 01.07.2019 to 21.07.2019, so far no information received for their request. Reminders have been sent and the investigation is in progress. Further, in the Post-Mortem Report, the following injuries were found:-

"External Injuries: Grazed abrasion with grease stains was present over the following regions:

1. 6 X 3 cm abrasion present over the right shoulder.

2. 5 x 3 cm abraded contusion present over the left side of forehead.
  3. 35 x 15 cm abrasion present over the outer aspect of right side of chest, abdomen and back of right gluteal region.
  4. 12 x 10 cm abrasion present over the back of right forearm and elbow.
  5. 3 x 1 cm, 2 x 1 cm abrasion present over the front of right knee.
  6. 20 x 6 cm abrasion present over the front of chest and abdomen.
  7. 4 x 3 cm x bone deep laceration present over the right occipital region.
  8. 3 x 3 cm x bone deep laceration present over the right Parieto Occipital region.
  9. 5 x 3 cm x bone deep x bone deep laceration present over the back of right elbow.
  10. Deformity on right wrist, on dissection both bones were fractured at its lower part with surrounding tissue contusion.
- Afore mentioned injuries are ante mortem in nature."

9. The viscera has been sent for chemical analysis and from the Forensic Department report, it was found that there was no alcohol or other poison deducted. The Post-Mortem Doctor had given a final opinion as follows:-

"FINAL OPINION:-

Based on the post-mortem findings, perusal of history and chemical analysis of viscera, I am Opinion that the deceased would appear to have died due to effects of head injuries."

10. Further to the post-mortem report, on enquiry, the Doctor had opined that the "case of death is due to head injuries and may occur due to hit of speedy train". He further submitted that before getting the opinion, 9 queries were sent to the Doctor based on the investigation conducted and thereafter, the Doctor had given a final opinion.

11. Considering the submissions and on perusal of the materials, this Court finds that the Inspector of Railway Police, Salem are conducting the investigation in the right manner. So far examined 59 witnesses, collected documents and taking efforts by sending requisition through Interpol and also Google and Whatsapp Company and the bank account and call details are being verified.

12. In view of the same, this Court finds no reason to transfer the investigation at this stage. This Court is of the view that it would be appropriate that the investigation is monitored by the Deputy Superintendent of Police, Salem. The petitioner is at liberty to approach the Deputy Superintendent of Police, Railway Police, Salem, to make his representation and submit any materials collected available with him in support of his contention.

13. With the above observation, this petition is dismissed.

Sd/-  
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

- 1.The Superintendent of Police,  
Krishnagiri District,  
Krishnagiri.
- 2.The Inspector of Police,  
Royakottai Railways Police,  
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- 3.The Joint Director & Head of Zone,  
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- 5.The Inspector of Police,  
Railway Police Station,  
Hosur.
- 6.The Public Prosecutor,  
High Court, Madras.

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srg 03/12/2020