

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.6630 of 2020

G.Malar
W/o Govindhan
No.268, Modern Rice Mill Street
Se.Aantappattu Village
Thanipadi Post
Dhandarpattu Taluk
Thiruvannamalai District. Petitioner

Vs.

- 1.The Superintendent of Police
O/o Thiruvannamalai The Superintendent of Police
Thiruvannamalai Dist.
- 2.The Deputy Superintendent of Police
O/o Thiruvannamalai Deputy the Superintendent of Police
Thiruvannamalai District.
- 3.The Sub-Inspector of Police
Thanipadi Police Station
Dhandrampattu Taluk
Thiruvannamalai Dist.
- 4.The Superintendent of Police
The Crime Branch Crime Investigation Department
SIDCO Electronic Complex
Block No.3, 1st Floor & 3rd Floor
Guindy Industrial Estate Chennai - 600 032.
Tamil Nadu - India.Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct to transfer the investigation in Crime No.39 of 2020 on the file of the 3rd respondent to the 4th respondent (CBCID) conduct the investigation in the manner known to the law and further direct to file final report within stipulated time and produce medical report to the petitioner.

For Petitioner : Mr.A.Sankar

For Respondents: Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

The Criminal Original Petition has been filed to transfer the investigation in Crime No.39 of 2020 on the file of the 3rd respondent to the 4th respondent (CBCID) and conduct investigation in the manner known to the law and further direct the respondents to file final report within the stipulated time and serve the medical report to the petitioner.

2.It is averred in the petition that there is a communal discrimination in the college, where the deceased studied. Even then the 3rd respondent did not enquire the same with the college management.

3.On perusal of the paragraph No.7 in the status report reveals as follows:

7.The Mother of the deceased who is the defacto complainant, lodged a petition in person to the Superintendent of Police, Tiruvannamalai District after month after the demise of the defacto complainant's daughter i.e., on 21.02.2020 in which allegations against the room mates of the Hostel @ Agricultural University Madurai and Sexual messages and physical torture by the H.O.D.

The same petition was forwarded by to the DSP/Rural Sub-Division. My superior instructed me (Inspector) to march SI Tr.Nasurudeen and HC.670 Tr.Palanivel to go to Madurai and enquire into the facts. Suitable instruction were given to them. On enquiry one Rama (Member of Scheduled Caste), Bhavisha (Member of Scheduled Caste), Banumathi (MBC) and Surya (hostel warden and Residential tutor - Member of Scheduled caste). On enquiry no caste discrimination took place at the hostel and other students are also enquired and Statements also of Rama, Bhavisha, Banumathi, Jency. Iswaryalakshmi and Divya were recorded. Moreover the hostel Deputy warden Tmt.Christy Nirmala and head of the department one Mrs.G.Hemalatha (HOD) and Assistant Professor of Human development and Family studies one Mrs.Jothilakshmi were enquired and statements of each of them were recorded separately."

and it is also seen that the deceased received whatsapp messages from one person and it is found that she is having affair with him. In this regard investigation is proceeding further.

4.Under these circumstances, change of investigation would affect the entire investigation. Thereby this Court is not inclined to transfer the investigation. Accordingly, the Criminal Original Petition is dismissed. However, the 3rd respondent police is directed to complete the investigation in Crime No.39 of 2020 and file the final report within a period

of 12 weeks from the date of receipt of a copy of this order. Further, the 1st respondent is directed to monitor the investigation to be done by the 3rd respondent herein.

Sd/-
Assistant Registrar (ADI MDU)

//True copy//

Sub Assistant Registrar

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To

- 1.The Superintendent of Police
O/o Thiruvannamalai The Superintendent of Police
Thiruvannamalai Dist.
- 2.The Deputy Superintendent of Police
O/o Thiruvannamalai Deputy the Superintendent of Police
Thiruvannamalai District.
- 3.The Sub-Inspector of Police
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Tamil Nadu - India.
- 5.The Public Prosecutor
High Court of Madras.

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RLD (CO)
GMY (24/09/2020)

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