

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2020

CORAM

THE HONOURABLE MR. JUSTICE R.PONGIAPPAN

Cr1.O.P No.20374 of 2019

P.Venkatesan

...Petitioner

Vs.

State represented by

1. The District Superintendent of Police,
Kancheepuram District at
Kancheepuram.
2. The Inspector of Police (Crime),
D2, Chengalpattu Taluk Police,
Chengalpattu. Kancheepuram District.
3. The Joint Director,
Central Bureau of Investigation,
Sastri Bhavan, Nungambakkam,
Chennai - 600 034.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to change the investigation of the brutal murder case of the petitioner's sister Anjalidevi on 28.02.2019 from the 2nd respondent to 3rd respondent herein for proper investigation and found the culprits and file a final report before the jurisdictional Court.

For Petitioner : Mr.A.Ramu

For Respondents: Mr.S.Karthikeyan

Additional Public Prosecutor

O R D E R

The present Criminal Original Petition has been filed to transfer the investigation pertains to Crime No. 95 of 2019 under Section 174 (3) of Cr.P.C. from the file of the 2nd respondent to the file of the 3rd respondent herein for proper investigation.

2. Despite repeated adjournments, there is no representation on behalf of the petitioner.

3. Heard the learned Additional Public Prosecutor appearing for the respondents police.

4. The case of the prosecution is that on 30.10.2017, the marriage between the deceased Anjalidevi and Vijayakumar was solemnized. Subsequent to that, dispute arose between the deceased and to her husband. Further, before the occurrence, the deceased had stated to the defacto complainant that her husband demanded to bring 100 sovereigns of gold, house and Five Lakhs cash. Further, he stated that 20 sovereigns of gold, which was given at the time of marriage was pledged by the husband of the deceased. Only in the said circumstances, it is alleged that the deceased Anjalidevi committed suicide. However, on seeing the dead body, there were blood stains found in the neck and hands of the deceased and therefore, though there were symptoms for murder, the respondents police registered a case under Section 174 (iii) Cr.P.C. and therefore, in respect of the alleged occurrence, a detail investigation is necessary, for which, transfer of investigation from the file of the 2nd respondent to the 3rd respondent is also necessary.

5. Per contra, the learned Additional Public Prosecutor appearing for the respondents police, on instructions, would submit that though at the time of registering the case, the petition mentioned offence has been registered under Section 174 (3) Cr.P.C. During the time of investigation, the Investigation Officer came to a positive conclusion that at the time of occurrence, the husband of the deceased namely, Vijayakumar and the mother-in-law namely, Kala abetted the deceased to commit suicide and therefore, he altered the Section of law under Section 306 I.P.C. Further, during the time of investigation, to find out the conversation made between the deceased and her husband, which had happened prior to the occurrence, a memory card and mobile phone used by the deceased were sent to the Forensic Science Lab and now, the investigation is pending for the purpose of awaiting report from the Lab.

6. Now on considering the submissions made by the learned Additional Public Prosecutor, it would reveal the fact that after registration of the F.I.R., the investigation was properly conducted by the Investigation Officer and then only, the Investigation Officer came to the conclusion that the accused herein has abetted the deceased to commit suicide. In otherwise, nothing was indicated on the side of the petitioner, as the Investigation Officer has not investigated the case

properly and therefore, the petition filed by the petitioner is devoid of merits and is liable to be dismissed. Accordingly, the Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The District Superintendent of Police,
Kancheepuram District at
Kancheepuram.
2. The Inspector of Police (Crime),
D2, Chengalpattu Taluk Police,
Chengalpattu. Kancheepuram District.
3. The Joint Director,
Central Bureau of Investigation,
Sastri Bhavan, Nungambakkam,
Chennai - 600 034.
4. The Public Prosecutor,
High Court, Madras.

Crl.O.P No.20374 of 2019

MG (CO)
RV (02/12/2020)

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