



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.03.2020

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CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P (MD)No.15551 of 2016

R.Muthukrishnan : Petitioner

Vs.

1.The Superintendent of Police,
Tuticorin District, Tuticorin.

2.The Inspector of Police,
Puliyampatti Police Station,
Tuticorin District.
(in Crime No.66 of 2015)

3.The Inspector of Police,
CBCID Madurai Unit,
Madurai.

: Respondents

PRAYER : Petition filed under Section 482 of Criminal Procedure, to pass on order by transferring the investigation in Crime No.66 of 2015 pending on the file of the second respondent to the third respondent or any other investigation agency.

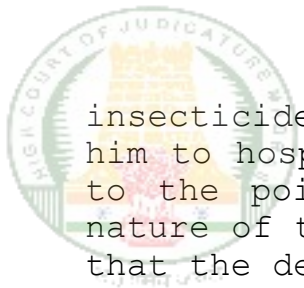
For Petitioner : Mr.T.Selvakumaran

For Respondents : Mr.S.Chandrasekar
Additional Public Prosecutor

ORDER

Heard the learned counsel appearing for the petitioner and learned Additional Public Prosecutor appearing for the respondents.

2.The petitioner herein is father of one Murugan, who studied 10th standard in the Government Higher Secondary School, Kasilingapuram, Srivaikundam Taluk, Thoothukudi District. In a fateful day on 11.11.2015 the young and sensitive boy namely, Murugan was played in the classroom and disturbing the classmates. Hence, the class Teacher has asked him to bring his parents. Thereafter, the said Murugan went to his house and consumed



insecticide. The next house neighbor hearing the sound had taken him to hospital. After six days of treatment Murugan succumbed due to the poison. Though the viscera report does not indicate the nature of the poison, from the statement of the witness, it appears that the deceased consumed pesticide.

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3.The father of the deceased Murugan is before this Court stating that the Maths Teacher by name Pattu Pushpavalli was always nagging his son and scolding him with filthy language without any reason. Knowing that, the petitioner requested the Head Master and the Teacher namely Pattu Pushpavalli not nag or scold his son in front of other students. Despite the said request, Pattu Pushpavalli was continuing to nag and scold his son. On 11.11.2015, the petitioner's son, who went to school cheerful, returned home within few hours with tears. Nobody was present in the home at that time. He was seen in dejected mood by the neighbors. He consumed pesticide kept in his home for agricultural purpose.

4.The present writ petition is filed seeking transfer of investigation in Crime No.66 of 2015 pending on the file of the second respondent to the third respondent/ CBCID, Madurai Unit or any other investigating agency.

5.The Additional Public Prosecutor would submit that on receiving intimation from the Hospital, FIR was registered on 16.11.2016 under Section 174 of Cr.P.C and thorough investigation was conducted. The statement of the petitioner was also recorded in the Section 161 statement, which has not disclosed any incriminating materials about the said Teacher. The witnesses, are relatives, nearby residents and the concerned Teacher and Head Master. All have given their statement and the same has been recorded. Few students of the class have also given their statement. None of the witnesses have spoken anything incriminating the said Teacher. Therefore, the prosecution with available material has found that the son of the petitioner on his own has committed suicide, since he was very playful in the school and not interested in the studies. Infact, one of the witnesses by name Arumugam in his Section 161 statement has stated that on hearing the noise of Murugan vomiting, he rushed to the house of murugan and enquired him. At that time murugan has informed that since Teacher has asked to bring his father, but he was scared to take his father to the Teacher and therefore, he has consumed insecticide. The statement of the deceased person which say about the cause for the death also does not give any incriminating material to suspect the class Teacher.

6.In the said circumstances, the request of the petitioner herein, to transfer the investigation to some other agency does not arise. Hence, the Criminal Original Petition is dismissed. The respondent Police is at liberty to file a final report. If the petitioner still feels there is material available to prosecute, it is his responsibility to file a fresh petition. The law provides an exhaustive remedy available under the law.



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Sd/-

Assistant Registrar

// True Copy //

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Sub Assistant Registrar(CS)

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To

1.The Superintendent of Police,
Tuticorin District, Tuticorin.

2.The Inspector of Police,
Puliyampatti Police Station,
Tuticorin District.
(in Crime No.66 of 2015)

3.The Inspector of Police,
CBCID Madurai Unit,
Madurai.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.T.SELVAKUMARAN, Advocate (SR-12622[F]
dated 20/03/2020)

SM/12.05.2020/3P-6C

Crl.O.P(MD)No.15551 of 2016

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