

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 25.09.2020  
PRONOUNCED ON : 29.01.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.5519 of 2020

V.Kumar,

... Petitioner

Vs.

- 1.The Superintendent of Police,  
Central Bureau of Investigation,  
EVK, Sampath Salai, Sastri Bhavan,  
College Road, Chennai – 600 006.
- 2.The Secretary to the Government to Tamilnadu,  
Home Department,  
Fort St.George,  
Chennai – 600 009.
- 3.The Director General of Police,  
Mylapore,  
Chennai – 600 009.
- 4.The Commissioner of Police,  
Coimbatore.
- 5.The Inspector of Police,  
Karamadai Police Station,  
Karamadai,  
Coimbatore.
- 6.The Sub-Inspector of Police,  
Karamadai Police Station,  
Karamadai,  
Coimbatore.

7.The Headmaster,  
Vidhya Vikas School,  
Karamadai,  
Coimbatore.

... Respondents

**COMMON:** Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the Inspector of Police, Karamadai to withdraw from the investigating the Crime No.354 of 2019, pending on the file of the Inspector of Police, Karamadai and transfer the investigation to the 1<sup>st</sup> respondent and direct him to investigate the same.

For Petitioner : Mr.C.Deivasigamani  
For R1 : Mr.Srinivasan  
For R2 : Mr.C.Iyyappa Raj,  
Additional Public Prosecutor

**ORDER**

This Writ Petition has been filed praying to issue a Writ of Mandamus, directing the Inspector of Police, Karamadai to withdraw from the investigating the case in Crime No.354 of 2019, pending on his file and transfer the investigation to the Superintendent of Police, Central Bureau of Investigation, Chennai / 1<sup>st</sup> respondent and direct him to investigate the same.

2. The grievance, in nutshell, putforth by the petitioner in the Writ Petition is that the petitioner is the father of K.Harish, who studied 11<sup>th</sup> Standard in 'Vidya Vikas School, Karamadai, Coimbatore. Since, the petitioner is residing in Pappampatti, which is a far away place from the residence of the petitioner, his son stayed in the hostel run by the School. On 19.12.2019 at 4.00 p.m., one Nagarajan, / the Sub-Inspector of Police, Karamadai, informed the petitioner that his son committed suicide by hanging himself on the fan in his room in the hostel. The circumstances narrated by the Sub-Inspector of Police and School Authorities are suspicious and the School Authorities are responsible for the death of his son Harish. Being not satisfied with the manner in which the investigation is conducted, the petitioner has come forward with the aforesaid prayer.

3. Mr.C.Deivasigamani, the learned counsel appearing for the petitioner would submit that this is a very unfortunate and pathetic case, where the son of the petitioner, who studied 11<sup>th</sup> Standard in 'Vidya Vikas School, Karamadai, Coimbatore, died in the Hostel run by the School, in a suspicious manner. On 19.12.2019, at 4.00 p.m., the Sub-Inspector of Police, Karamadai,

informed the petitioner that his son committed suicide in his room in the School Hostel. Immediately the petitioner asked to keep the body as is where in condition, till his arrival at School. Further, he requested one of his relatives to go to the school, who went to the School within 10 minutes of receiving information but before that the body of his son was removed from the room at School. The petitioner's son was a bright student without any bad habits. Injuries were found in the neck, bloodstains near bathroom, which caused suspicion that his son would have been murdered. The presence of Sub Inspector of Police and the Tahsildar even before registering of FIR create doubts that the case is not being properly investigated and being covered up. Since the school authorities not interested in thorough investigation, on the apprehension it would cause damage to their School's reputation.

4. Continuing further, the learned counsel for the petitioner submitted that neither the School Authorities nor the Police sofar taken any action against the real culprits responsible for the death of petitioner's son. The Sub-Inspector of Police, Karamadai Police Station has played an important role in screening the crime committed by the school authorities. The Police Officials and

Revenue Authorities are colluding with the School Management and attempt is made to close the case. The petitioner is having serious apprehension that he may not get an unbiased and fair investigation at the hand of the present Investigating Agency and that the matter may be entrusted to an independent agency for investigating into the matter in order to find out the truth and the cause of the death of his son.

5. Mr.C.Iyyappa Raj, the learned Additional Public Prosecutor appearing on behalf of the respondent State would submit that based on the complaint given by the defacto complainant, a case was registered in Crime No.354 of 2019, under Section 174 Cr.P.C., (Suspicious death), on 19.12.2019 at 22.00 hours by the Sub-Inspector of Police, Karamadai Police Station. After registering the FIR, the Sub-Inspector of Police visited the scene of occurrence and examined the (i) Petitioner, (ii) Krishnan, (iii) Harish Prabhu, (iv) Sabari Ganesh, (v) Sashwath, (vi) Jijendar, Kishanth (Class and Roommates of the deceased) and (vii)Neelagandan (Hostel Warden).

6. The witnesses 2 to 7 speak about the fact that while the deceased studied X Standard in "Sri Suga Brama Maharishi Matriculation School', Sulur, Coimbatore, he had love affair with one Sasiprabha, who also studied along with him. After the same came to the knowledge of the parents of the deceased, without consent of the deceased, changed his School to Vidhya Vikas, Karamadai, much against his wish. Thereafter, the deceased was in mental stress and tension and used to tell his roommates that he was missing his lover Sasiprabha. The petitioner was in a depressed mood, his concentration and performance in curriculum dropped.

7. Adding further, the learned Additional Public Prosecutor submitted that during the course of investigation, on 20.12.2019, the Sub-Inspector of Police obtained Postmortem Certificate from Dr.Peranantham, Police Surgeon and Asst.Professor, Dept. of Forensic Medicine, CMCH, Coimbatore and recorded his statement and the same is pending for chemical analysis report. The respondent Police conducted the investigation in a free, fair and impartial manner and the same is pending, awaiting chemical analysis report and on receipt of the same, final report will be filed

before the concerned Court. At this stage, there is no need to transfer the investigation to any other independent agency. Hence, he prayed for dismissal of the Writ Petition.

8. Mr.Srinivasan, the learned counsel for the C.B.I. submitted that C.B.I. is overloaded and the case in hand is not having any inter-state or international ramification. Further from the facts submitted it appears that the petitioner's son had committed suicide by hanging in his hostel room. Proper procedures has been followed in conduct of investigation. In view of the same, CBI probe in the matter is not required.

9. This Court heard the submissions made by the learned counsel appearing on behalf of the parties and perused the materials available on record and perused the case diary.

10. The petitioner's apprehension is that before the petitioner could reach the scene of occurrence, in this case, to the school hostel, the body of the petitioner's son removed, kept in a ambulance in the police station, cut injury was found near the neck and blood was found around the place. Further, at about 9.00 p.m.,

when he visited the hostel room, he found bloodstains near the bathroom, the same was recorded in his mobile phones, in the presence of Tahsildhar and no investigation conducted in this regard, hence doubts cast in the death of his son. In this case, inquest conducted between 7.00 pm., to 9.00 pm., in the presence of panchayatars, upward ligature mark found and recorded. The postmortem on the body conducted in which neck injury observed and recorded as follows:

“Super ficial linear in incised wound 2 in numbers 4 x 0.5 x 0.25 cm over front and left neck 1 cm below ligature mark, incomplete transversely oblique ligature prima abrasion 34 x 1 cm noted on upper most part of front part of neck.”

11. The classmates and roommates of Harish(deceased) Krishnan, Hari Prabu, Sabari Ganesh, Haswath, Jittender State about the petitioner's son in pensive mood, depressed and always with the thought of missing his classmate, Sasi Prbha of 'Sri Sai Bramha Maharishi Matriculation School', Sulur, Coimbatore. The roommates state that Harish had left early to hostel room informing he had stomach pain. It was Krishna, roommate, who first saw the Harish hanging in the hostel room. The P.T Teachers

Mr.Venkatesh and Mr. Pratap brought him down, informed the police. The students had gathered and the other students in the school compound was in state of shock, agitated, the situation was about to go out of control, hence the body was removed, taken to police station, thereafter to the Government Hospital, Coimbatore. Inquest was conducted, a knife found near the washbasin seized. The bucket, nylon rope, chapels were also seized. The diary of Harish seized in which he has written the name of his classmate of his previous school, the writing found confirms the pensive mood of Harish, added to it he was not keeping good health for some time, all the factors cumulatively could have been reason for the extreme step of Harish. The petitioner being the father of Harish, who lost his loving, bright student, with future dreams got shattered, out of emotional outburst, unable to come to terms, had such apprehension. From the perusal of the case diary, it is seen that the apprehension of the petitioner is misplaced. The statements and materials collected are in conformity to the procedures. There is no contra materials to interfere with the investigation.

12. In view of the same, this Writ Petition is dismissed. However, it is open for the petitioner to produce any materials to the Investigation Officer, if available, to put forth and substantiate his contention. In such case, the investigating officer to receive and to consider the same. However, there shall be no order as to costs.

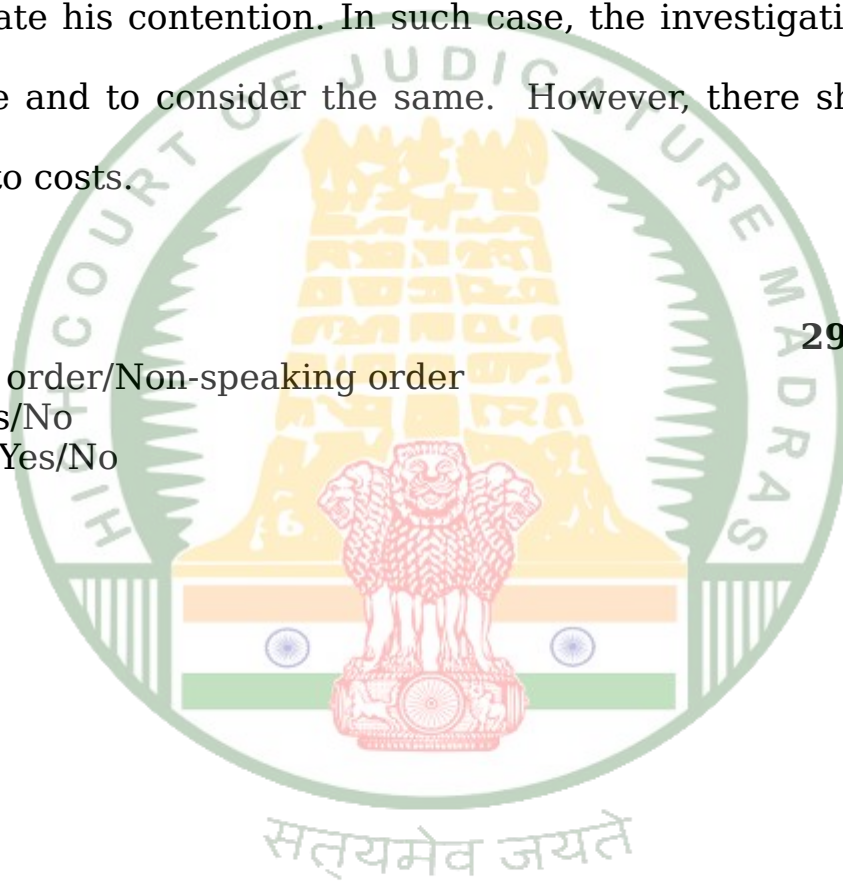
**29.01.2021**

Speaking order/Non-speaking order

Index: Yes/No

Internet: Yes/No

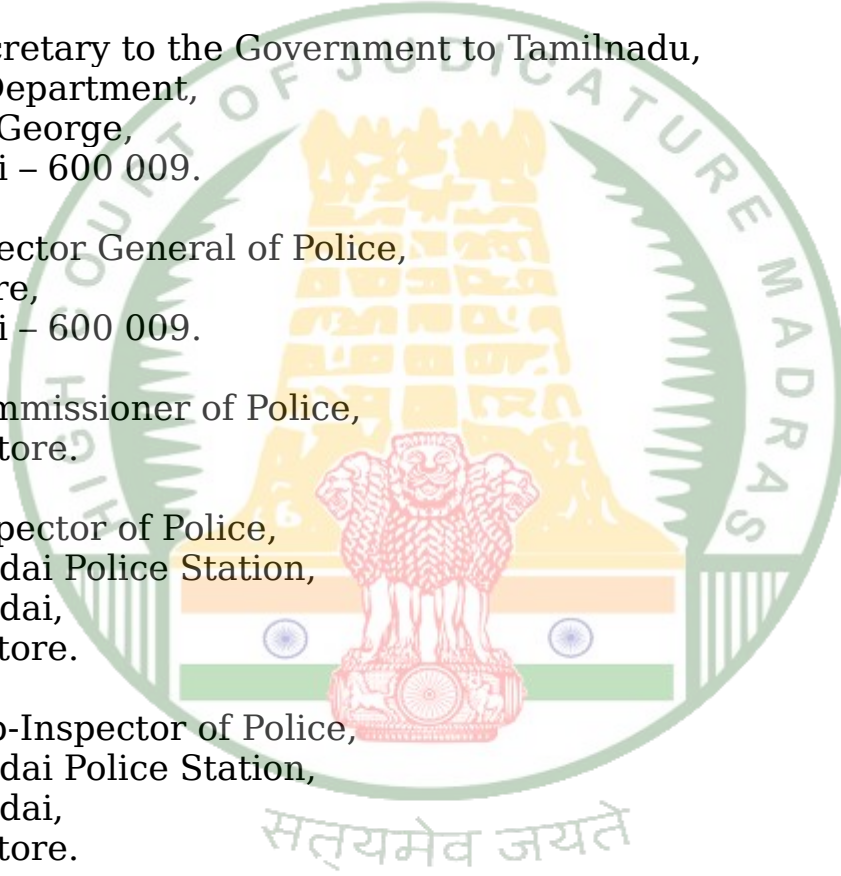
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To

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Coimbatore.
- 7.The Public Prosecutor,  
High Court,  
Madras.



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M.NIRMAL KUMAR, J.

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PRE-DELIVERY ORDER IN  
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