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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.6653 OF 2021

S.Chandra

... Petitioner

Versus

1. The Commissioner of Police,
Chennai City,
Chennai.
2. The Inspector of Police,
Teynampet Police Station,
Chennai.
3. The Superintendent of Police,
CBCID, Chennai.

... Respondents

PRAYER:-

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to issue a direction, directing the respondents to transfer the investigation in Crime No.565 of 2020 on the file of the second respondent police relating to the suspicious death of petitioner's husband to the third respondent or any other agency for investigation in accordance with law.

For Petitioner : M/s.Conscious Ilango

For Respondents : Mr.A.Damodaran
Government Advocate
(Crl.Side)

ORDER

This petition has been filed to issue a direction to the respondents to transfer the investigation in Crime No.565 of 2020 relating to the suspicious death of petitioner's husband from the file of the second respondent police to the third respondent or any other agency for investigation in accordance with law.



2. The petitioner is the wife of Sundaravel, who died on 29.06.2020 in HYAAT Regency Hotel, Teynampet, and on suspicion with regard to her husband's death, she filed the above petition.

3. The gist of the case is that the Security Manager, HYATT Regency Hotel on 29.06.2020 lodged a complaint to the respondent police informing that on 25.06.2020, 44 guests checked in the Hotel for institutional quarantine for 7 days. The said Sundaravel Rajendran checked-in Room No.1006 and Covid-19 medical test was conducted on 25.06.2020 and all the guests' medical result were negative. During the institutional quarantine period, the food is kept at their doors of the guests therein. On 29.06.2020 to conduct second Covid-19 test, all the guest were called, however, the said petitioner's husband failed to respond. Hence, the master key of the said room was brought and opened the door and found that the petitioner's husband was sitting on the water closet and not responded. Hence, they informed the same to the Hotel's Doctor one Mukesh who arrived and declared that the petitioner's husband died. Thereafter, the complaint came to be lodged to the second respondent police, and a case in Crime No.565 of 2020 was registered for offence under Section 174 of Cr.P.C.

4. The contention of the petitioner is that the petitioner's husband seems to have been murdered for gain. The petitioner's husband was hale and healthy, while checking-in to the Hotel. He had gold, which was found missing. Further, a sum of Rs.40,000/- Rupees and Singapore coins were also missing, which creates doubt. The investigation under Section 174 Cr.P.C., has not been properly conducted. Hence, she sought for transfer of investigation.

5. The learned Government Advocate (Crl.Side) submitted that he has filed a status report and submitted that Paragraph Nos.3, 4, 7 and 8 are extracted hereunder:-

"3. It is submitted that based on the above complaint, a case was registered E-3, Teynampet Police Station, Crime No.565 of 2020 under Sections 174 of Cr.P.C., on 29.06.2020 at about 16.00 hours by Tr.K.Madhavan, the Sub-Inspector of Police and took up the case for investigation.

4. I submit that during the course of investigator, the Sub-Inspector of Police went to the scene of occurrence, prepared rough sketch and observation mahazar in the presence of witnesses Tr.Venkatesan and Tr.Senthil Nathan and also examined the following witnesses and recorded their statements.



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(i) Tr.Elumalai-defacto complainant/Security Manager in Hyatt Regency

(ii) Tr.Subajar Jothi-Room Division Manager in Hyatt Regency.

(iii) Tr.Deepak-Helpdesk Front Reception Officer in Hyatt Regency.

(iv) Tr.Baskar Rai - Waiter of Hyatt Regency

(v) Tr.Pallap Benergy - Waiter of Hyatt Regency

(vi) Tr.Sneadeep - Waiter of Hyatt Regency

(vii) Tr.Arul Anbazhagan - accompany with the deceased from Singapore

(ix) Tr.Brose Eliyas - accompany with the deceased from Singapore.

I submit that during the course of investigation, the then Sub-Inspector of Police has obtained Post Mortem certificate from Dr.Shann Raj, Assistant Professor, Department of Forensic Medicine, Government Medical College, Omandurar Medical College and Hospital, Chennai which reveals that "the deceased would appear to have die of Myocardial Infection as a result of occlusion of Coronary artery disease."

8. I submit that after completion of elaborate and detailed investigation, the Doctor's Report, based on the witnesses statements and material evidence, on 07.04.2021, I have closed the case in E-3, Teynampet Police Station, Crime No.565 of 2020 as "Further Action Dropped" and the same was submitted before XVII Metropolitan Magistrate Court, Saidapet Chennai."

6. This Court heard both sides had perused the CD.

7. Considering the submissions and perused the materials, and from the photographs it is seen that the deceased was sitting in the water closet at the time of death. CCTV recordings of the hotel, from the time the petitioner's husband checked in and till the time of his death have been produced found in case Diary. From the CCTV recordings there is nothing creating suspicion in the death of the petitioner's husband. In the postmortem report, the petitioner is said to have been died of "Myocardial Infection as a result of occlusion of Coronary artery disease" (Heart Attack)."



8. It is seen that on 25.06.2020 at about 7.30 hours, the petitioner's husband complained about stomach pain and the Hotel's Dr.Mukesh had entered the hotel on 25.06.2020 at 7.30 hours and at about 8.45 p.m., the petitioner's husband was administered with injunction and also handed over some tablets and thereafter, he left the hotel at 8.55 p.m. The CCTV recordings as well as the statement of the Doctor confirm the same. The petitioner's husband died due to Heart Attack and the medical treatment also confirm the same.

9. In view of the same, this Court is of the view that the investigation conducted properly and hence, this Court is not inclined to order transfer of investigation. The petitioner's grievance is that she was not served with the closure report and hence, the second respondent is directed to serve a copy of the closure report to the petitioner, and if she has any grievance, it is for her to agitate the same through appropriate legal action.

10. Accordingly, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

dna

To

1. The Commissioner of Police,
Chennai City, Chennai.
2. The Inspector of Police,
Teynampet Police Station,
Chennai.
3. The Superintendent of Police,
CBCID, Chennai.
4. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.B.Angayarkanni, Advocate, S.R.No.40242

CRL.O.P.NO.6653 OF 2021

KSM(CO)
PBS/06/09/2021