

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.05.2021

CORAM :

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P.No.8675 of 2021

Tejpal Singh
S/o. Jaswant Singh

... Petitioner

Vs.

1. The Commissioner of Police,
O/o. The Commissioner of Police,
Vepery, Chennai - 600 007.
2. The Inspector of Police,
M-3, Puzhal Police Station,
Madhavaram, Chennai
3. The Inspector of Police,
CB-CID, Chennai. ... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code to direct the third respondent herein to investigate the case in FIR in Crime No.127 of 2021 dated 20.04.2021 on the file of the Inspector of Police, M-3, Puzhal Police Station, Madhavaram, Chennai to the file of the CBCID and conduct further investigation and file a report.

For Petitioner : M.G.Karthikeyan

For Respondent : Mr.Raj Thilak
Government Advocate (Crl. Side)

O R D E R

(The cases have been heard through video conference)

This Criminal Original Petition had been filed to direct the third respondent herein to investigate the case in FIR in Crime No.127 of 2021 dated 20.04.2021 on the file of the Inspector of Police, M-3, Puzhal Police Station, Madhavaram, Chennai to the file of the CBCID and conduct further investigation and file a report.

2. As per the petitioner's contention the petitioner's younger daughter/Gayathri was a MBA graduate and she worked in AKS Alloys Pvt. Ltd owned by one Vikrant Sharma for four years. Later on, she resigned the job and joined another company Viros Trading Pvt. Ltd. Thereafter she resigned the same.

3. On the date of occurrence, she left the house as usual. The petitioner's son received a call at 2.41 p.m., from Mr.Raghuveer who is the neighbour of the petitioner who informed that one Mr.Vikrant Sharma called him seeking contact details of the petitioner and his son. He further informed his son that, he refused to furnish the details and undertook to convey the message to the family. He later informed that the daughter Gayatri had created some sort of problem with Mr.Vikrant Sharma and asked the son of the petitioner to immediately contact Mr.Vikrant Sharma.

4. Immediately, the petitioner and his son called the said Vikrant Sharma who informed him that, at around 2.00 p.m., when the said Vikrant Sharma visited the office premises of one M/s. Gannu Babu Foods (OPC) Private Limited, which is situated at No.6B, Selvam Nagar, Lakshmipuram, Chennai - 99, he found the daughter of the petitioner/Gayatri hanging herself from the ceiling fan. Hearing the said news, the petitioner and his son Purushotham rushed to the office premises of M/s. Gannu Baba Foods (OPC) and found the body of the daughter lying on the floor. Subsequently, in an ambulance the body of the daughter of the petitioner was carried to Government Stanley Hospital. No statement or authorization was taken from either the petitioner or from the son of the petitioner. Mr.Vikrant Sharma was already present at the spot, where the alleged occurrence had taken place.

5. The petitioner and his son went to the Government Stanley Hospital at around 04.45 p.m., only to receive a call from the respondent police asking them to report to the police station and not at the hospital. At around 05.10. p.m., they reached the respondent police station. Upon arrival, they found that the respondent police had taken the statement from one Vikrant Sharma, who blamed the petitioner and his son for pressurizing Gayatri to get married, which subsequently led to the alleged suicide.

6. The petitioner and his son were not called for any subsequent enquiry. The investigating Officer has not at all informed the status of the investigation regarding the alleged suicide. The respondent police had come to the conclusion that the daughter of the petitioner committed suicide due to pressure from the family to get married is the sole reason for the alleged suicide. It is the further contention of the petitioner that they received the shock of their lifetime, when they found out that the above said M/s. Gannu Baba Foods (OPC) Private Limited was owned and registered under the name of petitioner's daughter Gayatri. They were not aware of it. From their own enquiry, they understand that the said Vikrant Sharma had started the company and rented the building in the name of the petitioner's daughter Gayatri. When the petitioner and his son visited the place of M/s. Gannu Baba Foods (OPC) Private Limited, they found that the body of the daughter was on the floor and it was not hanging. No statement

was recorded either from the petitioner or from his son. Only a letter to hand over the body alone received by the Investigating Officer. Till the date of filing of the petition, no statement was recorded from the father and brother of Gayatri, the deceased.

7. When the matter came up for hearing yesterday (26.05.2021), the learned Government Advocate (Crl. Side) requested adjournment by today (27.05.2021) for filing counter. Accordingly, time was granted to 27.05.2021 for the prosecution to file counter. Also the prosecution was directed to furnish the case diary file of this case before this Court.

8. On perusal of the same, it is found that the statement of many people had been recorded and the Post mortem report is available, awaiting chemical examiners report for final opinion. Pending for chemical examiners report regarding viscera, Inquest had been conducted. In the inquest report, name of the petitioner and his son had not been found.

9. The Investigating Officer filed a counter stating that the statement was recorded from the following witnesses viz., (i) Tejpal Singh (ii) Mr.Vikrant Sharma (iii) Mr.Jaganath (iv) Tmt. Geetha Lakshmi (v) Mr.Kalyan Singh (vi) Mr.Amar Singh (vii) Mr.Balaji and (viii) Tmt. Sudha Parimala. Further it is stated that after completion of Post Mortem, the viscera of the deceased was sent to Forensic Sciences Department on 07.05.2021. The second respondent did not receive any report from the Forensic Department. The mobile phone and Laptop of the deceased were also sent to the Forensic Lab. Without getting the same, the investigation cannot be completed. Further it is stated that during the investigation, the petitioner had not made any substantial allegations against anyone connecting with the cause of the death of his daughter. The neighbour of the petitioner informed that one Mr.Vikrant Sharma called him seeking contact details of the petitioner and his son. He further informed his son that, he refused to furnish the details and undertook to convey the message to the family. He later informed that the daughter Gayatri had created some sort of problem with Mr.Vikrant Sharma and asked the son of the petitioner to immediately contact Mr.Vikrant Sharma. The petitioner does not believe the above said theory.

10. On perusal of the CD file, it is found that the Post mortem report does not mention that her hyoid bone was broken or fractured. In case of hanging, the person who hangs, struggles for breathing air. In the struggle, his or her hyoid bone suffers fractures. Until otherwise the fracture is not observed seen in the hyoid bone, the doctor who conducted the autopsy gives a difference opinion based on which, the investigation itself may get diverted to find out

the truth. Here in this case no fracture in the hyoid bone was observed by the Doctor who performed Autopsy on the body of the deceased. Under those circumstances, the claim of the police as a case of hanging is not found acceptable. The inquest had been completed. The petitioner states that no statement was recorded. Not only that, the Company was registered in the name of the petitioner's daughter and on the date of occurrence, the said Vikrant Sharma was already present in the scene of occurrence without any message from the petitioner. These words conveyed the suspicious circumstances on Vikrant Sharma. The inquest was conducted in the presence of Vikrant Sharma as per the CD file. Therefore, there is every possibility that the apprehension of the petitioner is found reasonable. The police is trying to close the case as though the daughter of the petitioner committed suicide. When the postmortem report does not mention about the fracture of the hyoid bone the theory of suicide is not well founded. The perusal of the CD file does not satisfy this Court regarding fair investigation. The final report of the chemical analysis report from the Forensic Laboratory regarding the viscera of the deceased is awaited by the Doctor who performed Autopsy on the body of the deceased. Only the final opinion of postmortem will be given by the Doctor who conducted the autopsy. The perusal of the Case Diary file does not inspire confidence of a fair investigation, therefore the apprehension expressed by the petitioner regarding the investigation into the unnatural death of his daughter Gayatri is found reasonable and acceptable. Therefore, it is a fit case for transfer of investigation.

11. The Commissioner of Police is directed to hand over the investigation file to CBCID and the Director General of Police is directed to withdraw the case from the file of the Inspector of Police, M-3 Puzhal Police Station and to hand over the same to CBCID for investigation to find out the truth regarding the unnatural death of the petitioner's daughter, Gayatri. This case shall be supervised by Senior Officials of CB-CID. An experienced Police Officer shall be appointed as Investigation Officer under CB-CID.

In the result, this Criminal Original Petition is ordered.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

1.The Director General,
Mylapore, Chennai.

2. The Commissioner of Police,
O/o. The Commissioner of Police,
Vepery, Chennai - 600 007.

3. The Inspector of Police,
M-3, Puzhal Police Station,
Madhavaram, Chennai

4. The Inspector of Police,
CB-CID, Chennai.

5.The Public Prosecutor
High Court of Madras
Chennai 600 104.

+1cc to Mr.G.Karthikeyan, Advocate, S.R.No. 27322

CRL.O.P.No.8675 of 2021

RLD(CO)
GN(16/06/2021)



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