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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.10526 of 2021

K.Arul Selvan

...Petitioner

Versus

State Rep.by

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

2.The Inspector of Police,
Pennadam Police Station,
Cuddalore District.
(Crime No.88 of 2021).

3.The Inspector of Police,
CBCID, Cuddalore District.

...Respondents

PRAYER: Criminal original petition has been filed under Section 482 of Cr.P.C. to direct the 1st respondent to withdraw the FIR in Crime No.88 of 2021 pending on the file of the 2nd respondent and transfer the same to the 3rd respondent and investigate the same.

For Petitioner : Mr.Sivakumar
for Mr.K.Gandhi Kumar

For Respondents : Mr.A.Damodaran
Government Advocate (Cr1.Side)

ORDER

The petitioner, who is the brother of the deceased, has filed this petition seeking transfer of investigation in Crime No.88 of 2021 pending on the file of the second respondent to the third respondent.

2.The respondent police had registered an FIR in Crime No.88 of 2021 for offence under Section 174 (1) Cr.P.C.



3.The contention of the learned counsel for the petitioner, now, is that the petitioner's brother the deceased Charalathan, was on friendly terms with one Rasathi, who is the wife of Manimaran and the said Manimaran had misappropriated and swindled huge sums of money from the co-operative bank, for which, the petitioner's brother, the deceased Charalathan had been used. There was some dispute with regard to the same and hence, it might be the reason. Further, there was some dispute with Vasudevan and his wife Inbaoja, who are neighbours to the petitioner's brother's field and some dispute with Arul Mozhi and Sivakumar of Poovanoor Colony and with one Ponnarasi, who is an Anganvadi worker. There is possibility that these people have all teamed up together and have committed the murder and later projected it as a suicide. Further, he submitted that the petitioner's brother is a bachelor and how come he was in possession of a saree and had committed suicide by using the saree. Further, the knee of the deceased was found folded and resting on the floor. In such circumstances, it could not have been suicide by hanging. In respect of the call particulars, there are specific complaint made against certain persons, the call particulars not been verified.

4.The learned Government Advocate (Crl.side) has produced the CD and filed the status report, in which, the relevant paragraph Nos.4, 5, 6 &7, are extracted hereunder:

"4.I submit that immediately, after registering the FIR, the Deputy Superintendent of Police visited the scene of occurrence and examined the following witnesses and recorded their statements:

(1). Tr.Sentil - Defacto complainant/
Brother of the deceased.

(2).Tr.ArulSelvan - Elder brother of the
deceased.

(3).Tr.Thangarasu - Neighbours of the
deceased.

(4).Tr.Ramadoss - Neighbours of the
deceased.

(5).Tr.Prabakaran - Close Friend of the
deceased.

(6).Tr.Chandrasekaran,

(7).Manohar - Observation Mazaher & Seizure
Mahazar



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(8).Tr.Karavannan - Father of the deceased.

Witnesses 1 to 8 are corroborated the same version of the complaint.

5.I submit that on 23.04.2021, I have conducted inquest in the presence of Panchayatars namely Tr.Murugan, Tr.Govindharaj, Tr.Selvaraj, Tr.Kalaiselvan and Tr.Selamuthu then sent to the body of the deceased to Medical College of Mundiampakkam, Villupuram for Post Mortem. After completion of Post Mortem, the deceased body was handed over to his brothers/Petitioner herein.

6.I submit that during the course of investigation on 24.04.2021, the Deputy Superintendent of Police have given requisition letter to the Cyber Crime, Chennai to get the Call details of the deceased No.7868836857, suspected persons Nos.9698788626, 9698788625 and received the same. But, no fruitful information about the deceased through CDR reports.

7.It is submitted that this case is under investigation, I have to do the following:

(i).To examine some more witnesses,

(ii).Yet to be received pending report of chemical analysis of viscera.

Hence, for the abovesaid bona-fide reasons, the abovesaid case is under investigation."

5.On a perusal of the Case Diary, it is seen that requisition has been given to the service providers to collect the call details and some call details have been collected with regard to the cell No.7868836857 and frequent callers are identified and examined. From the post mortem report, it is seen that it is indicative of the deceased committed suicide by hanging. Further, photographs and other materials have been perused. From a perusal of the case diary, it is seen that investigation has been proceeding in the right path. The respondent police is to continue the investigation. The



grievance of the petitioner to be addressed before the concluding the investigation. The petitioner, if he has got any materials, he is free to produce the same to the investigating officer.

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6. With the abovesaid observations, the criminal original petition is dismissed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sms

To

1. The Superintendent of Police,
Cuddalore District, Cuddalore.
2. The Inspector of Police,
Pennadam Police Station,
Cuddalore District.
(Crime No.88 of 2021).
3. The Inspector of Police,
CBCID, Cuddalore District.
4. The Public Prosecutor,
High Court, Madras.

+1CC to Mr.K.Gandhikumar, Advocate, Sr.No.39926

Cr1.O.P.No.10526 of 2021

PL (CO)
K.RK. (15.09.2021)