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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 13.09.2021
PRONOUNCED ON : 24.09.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.11565 of 2021

C.P.Karthick ... Petitioner/husband of deceased

Versus

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

2.The Inspector of Police,
Thirumullaivoyal Police Station,
Chennai-600 062.

3.The Superintendent of Police,
CBCID, Thiruvallur,
Thiruvallur District.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the 1st respondent to withdraw the case in Crime Number 404 of 2021 pending on the file of the 2nd respondent and entrust the same to the 3rd respondent for fair investigation and to file the final report within a time frame fixed by this Court.

For Petitioner : Mr.C.P.Karthick,
Party-in-Person

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

ORDER

This Criminal Original Petition has been filed to transfer the FIR in Crime No.404 of 2021 from the file of the 2nd respondent to the file of the 3rd respondent.

2.The petitioner had sent a representation to the respondents 1 and 2 on 04.06.2021 to withdraw the case in Crime



No.404 of 2021 from the file of the 2nd respondent and entrust the same to the file of the 3rd respondent for fair investigation. But it was not acted upon and hence, he filed the above petition.

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3.The petitioner/Party-in-Person submitted that he married one Nageshwari on 11.07.2014. The father-in-law of the petitioner is one Dilli and his mother-in-law is Malligeshwari. After the marriage, the petitioner and his wife were living together for three months. Due to some misunderstanding, she had gone back to her parents house and lived there. Thereafter, the wife of the petitioner filed a divorce proceedings in O.P.No.1566 of 2017 before the Family Court, Chennai and also filed M.C.No.268 of 2016 seeking maintenance. After that, the wife of the petitioner wanted to live with the petitioner. While being so, on 02.06.2021, the petitioner's wife and in-laws committed suicide by hanging in their home. The petitioner came to know about the same only on 04.06.2021 through Tamil daily newspapers Dina Thanthi and Dinamalar.

4.The petitioner further submitted that one week prior to the occurrence, the father of the petitioner approached one Venkataraman, who is a retired person from the Secretariat and one Prema. The said Venkataraman is residing near the petitioner wife's residence and when he was questioned about the incident, he gave contradictory version. In the year 2015, the said Venkataraman called the petitioner and threatened him that not to create any problem with his wife's family. Prior to the marriage of Nageshwari with petitioner, the said Venkataraman was interested to conduct marriage between his son and Nageshwari. In the meanwhile, Venkataraman's son had committed suicide by hanging in the third floor of the petitioner wife's house.

5.He further submitted that the mother-in-law of the petitioner owned a vacant land near her residence, which would now be more than one crore. Further, his father-in-law was having several acres of land near Periyapalayam village. Now, the petitioner in-laws' relatives are interested to grab these properties. Hence, the petitioner has a doubt whether it was suicide or murder. Prior to the occurrence, the petitioner's wife was working as Accountant in Tamil Nadu Electricity Board, Guindy. Till the time of her death, she did not remove her Thali from neck. Hence, the said Venkataraman, Prema and Vijayalakshmi have to be enquired in this case. After the petitioner's wife came out from the matrimonial home, the petitioner had given a representation to the Inspector of Police, G-5 All Women Police Station to rejoin his wife. Thus, the death of his wife and in-laws is causing suspicion which has to be investigated in a fair manner.



6.The learned Government Advocate (Crl. Side) appearing on behalf of the respondents submitted that on the complaint of one Venkataraman/defacto complainant, who is the neighbour of three deceased, a case in Crime No.404 of 2021 under Section 174 Cr.P.C., was registered. The defacto complainant was employed as Assistant Director in the Tamil Development and Cultural Department and retired in the year 2001. He has two brothers viz., Jagatheesan and Gopalakrishnan and two sisters Pathmavathy and Malligeshwari. The defacto complainant is residing at No.39, Sozhampedu Main Road, Thirumullaivoyal and his brother Jagatheesan is now residing at Mylapore. One of his sister Malligeswari was given in marriage to one Dilli and they have a daughter named Nageshwari. In the year 2013, marriage was held between the said Nageshawari and the petitioner herein. Few months after the marriage, due to some difference of opinion, they got separated and Nageshwari never joined the petitioner thereafter and was living with her parents. The said Malligeswari and her husband Dilli were residing in the house of Jagadeesan in the first floor for the past 26 years. Two years prior to the occurrence, the said Nageswari obtained divorce from the petitioner and thereafter, all the three deceased were in depressed mood and they were also facing some financial constraints. While being so, one week prior to 02.06.2021, all the three deceased were suffering from fever. On 02.06.2021, Malligeshwari had come down to fetch water at about 06.30 a.m., at that time, she fell down and sustained injuries. At about 07.30 p.m., the said Jagatheesan called Malligeshwari from his mobile, but she did not respond to the call, then he asked the defacto complainant to find out the reason. When the defacto complainant knocked the door, no one opened the door. When he peeped through the window, saw all the deceased hanging and committed suicide. Hence, he informed the Police and lodged the complaint to the 2nd respondent Police, who registered a case under Section 174 Cr.P.C. The contention of the petitioner that it is a murder for some ulterior motive. Further, the petitioner is a divorced husband of the deceased Nageshwari. Now, the investigation is still at the stage of Section 174 Cr.P.C., and the same is proceeding on the right direction.

7.This Court considered the rival submission and perused the materials available on record.

8.The petitioner and the said Nageshwari were living together only for three months and thereafter, they got separated and finally, got divorced. Hence, the petitioner is a divorced husband of the deceased Nageshwari. It is to be seen that the marriage life of the petitioner with Nageshwari was very short. After separation, the petitioner never bothered and concerned about the welfare and health of his estranged wife and



in-laws. If at all the petitioner has got any apprehension or doubt in the death of the three deceased, he may appear before the 2nd respondent, produce evidence and any material in support of his contention.

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9. In the facts and circumstances of the case, this Court is not inclined to interfere with the investigation conducting by the 2nd respondent Police at this stage and, finds no merit in this petition to transfer the investigation. Hence, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Thiruvallur District,
Thiruvallur.
2. The Inspector of Police,
Thirumullaivoyal Police Station,
Chennai-600 062.
3. The Superintendent of Police,
CBCID, Thiruvallur,
Thiruvallur District.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.P.Karthick, Advocate, S.R.No.46339

Cr1.O.P.No.11565 of 2021

SV-1(CO)
CB(05/10/2021)