

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.17930 of 2020

C.Periyasamy,
S/o.Chinnasamy.

... Petitioner/Defacto
Complainant

Vs.

1.State represented by
The Deputy Inspector of General of Police,
Office of Deputy Inspector General of Police,
Yercaud Road,
Salem.

2.The Superintendent of Police,
Office of Superintendent of Police,
Nethimedu,
Salem.

3.The Inspector of Police,
Veeraganur Police Station,
Salem.
(Crime No.246 of 2020)

.... Respondents

Prayer: This Criminal Original Petition filed under Section 482 of Cr.P.C. to transfer the investigation in Crime No.246 of 2020 dated 22.09.2020 pending on the file of the 3rd respondent Police to any other competent agency or any other competent police officers.

For Petitioner : Mr.S.Shankar

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor.

ORDER

This Criminal Original Petition has been filed seeking for transfer of investigation pending in Crime No.246 of 2020, on the file of the third respondent Police.

2. The grievance of the petitioner is that the accused persons by illegally dealing with the property belonging to the wife of the petitioner obtained loan and when the same was questioned, she was abused and threatened by the accused

persons, as a result of which, the wife of the petitioner committed suicide by consuming poison. Even though an F.I.R. was registered under Section 174 Cr.P.C. on 22.09.2020, there was absolutely no progress in the investigation and hence left with no other alternative, the petitioner has filed the present petition seeking for transfer of investigation.

3. The learned counsel for the petitioner submitted that all the three accused persons are Government employees, who are working as Teachers. The learned counsel submitted that even though the F.I.R. was altered under Section 306 IPC, thereafter there is absolutely no progress in the investigation of this case and the accused persons are moving around freely even without being enquired. The learned counsel further submitted that the investigation has to be transferred to a superior authority or to any other agency to ensure that a fair investigation is conducted in this case.

4. A status report has been filed by the third respondent in this case. The relevant portions in the status report is extracted hereunder:

"4. I submit that on the next day, I went to the defacto complainant's house and examined the following witnesses and recorded their statements:

(1) Tr. Periyasamy-Defacto complainant / Husband of the deceased / petitioner herein.

(2) Tmt. Reeta & (3) Tr. Raju - Observation Mahazar witness.

Witnesses 1 to 3 corroborated the same version of the complaint.

5. I submit that on the same day at about 12.00 hours to 14.00 hours, I have conducted inquest on the deceased body at Govt. Hospital, Attur in the presence of Panchayatars. Thereafter, the deceased body was sent for Post Mortem, after completion of Post Mortem, the deceased body was handed over to the petitioner herein.

6. I submit that based on the statement of the petitioner/Defacto complainant, on the same day i.e., 22.09.2020, I have altered the section of this case to "U/s 306 IPC" against the accused persons (A-1 to A-3).

7. I submit that from the date of registering the FIR, the accused persons (A-1 to A-3) are still absconding. I have taken steps to secure the absconding accused persons by way of forming Special Team headed by me along with

Tr.Dinesh Kumar, Sub Inspector of Police, Tr.Ramasamy, Special Sub Inspector of Police and Tr.Vijayakumar, PC-2202 and the special team visited the following places to secure the absconding accused persons:

Thidavoor, Attur, Salem, Omalur and surrounding places, but till date we could not able to trace the absconding accused persons (A-1 to A-3).

8. I submit that during the course of investigation, I have obtained call details of the accused Tamilselvi's mobile No.9443799925, but there is no clue was obtained about the accused, it was under switch off mode from the date of the FIR.

9. I submit that during the course of investigation, on 23.10.2020, I have obtained Post Mortem Certificate from the Doctor, who was conducted Post Mortem Certificate and the same is pending for chemical analysis."

5. The learned Additional Public Prosecutor appearing on behalf of the respondents submitted that A1 to A3 are still absconding and effective steps are being taken by the respondent to secure them. The learned counsel further submitted that the investigation will be conducted in a fair manner by the third respondent and there is no requirement for transferring the investigation to any other agency.

6. This Court has carefully considered the submissions made on either side and the materials available on record.

7. Taking into consideration the facts and circumstances of the case and the seriousness of the allegations made by the petitioner, this Court deems it fit to order for monitoring the investigation conducted by the third respondent in order to ensure that a fair investigation is conducted in this case and the accused persons are brought to book.

8. In view of the above, there shall be a direction to the second respondent viz., The Superintendent of Police, Salem District, to monitor the investigation conducted by the third respondent viz., The Inspector of Police, Veeragnur Police Station, Salem District. The third respondent is directed to immediately secure the accused persons and effectively conduct the investigation duly monitored by the second respondent. The investigation shall be completed as expeditiously as possible and a final report shall be filed before the appropriate Court.

9. This Criminal Original Petition is disposed of with the above directions.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The Deputy Inspector of General of Police,
Office of Deputy Inspector General of Police,
Yercaud Road,
Salem.
 - 2.The Superintendent of Police,
Office of Superintendent of Police,
Nethimedu,
Salem.
 - 3.The Inspector of Police,
Veeraganur Police Station,
Salem.
(Crime No.246 of 2020)
 - 4.The Public Prosecutor,
High Court, Madras.
- +1cc to Mr.S.Shankar, Advocate SR.476

Crl.O.P.No.17930 of 2020

UM(CO)
CB(16/02/2021)

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