



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.16091 of 2021

A.Sampath

... Petitioner

Versus

1. The Director of General Police,
Tamil Nadu Police,
Mylapore, Chennai-600 004.
2. The Inspector General of Police,
Coimbatore Region,
Coimbatore - 641 018.
3. The Commissioner of Police,
Salem City, Salem - 636 006.
4. The Deputy Commissioner of Police,
Salem City, Salem - 636 006.
5. The Inspector of Police,
Ammamet Police Station,
Salem - 636 003.
(Crime No.1364/2020)

... Respondents

PRAYER: Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure, to set aside the final report dated 24.04.2021, which was filed by the 5th respondent in Crime No.1364 of 2020 and consequently, order the re-investigation in Crime No.1364 of 2020 on the file of the 5th respondent by appointing CBCID police or by any other competent police officials for fair and proper investigation as this Hon'ble Court deem fit in the proper in the circumstances of the case.

For Petitioner : Mr.V.Paarthiban
for Mr.A.Ilayaperumal

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



ORDER

The Criminal Original Petition has been filed to set aside the final report dated 24.04.2021, which was filed by the 5th respondent in Crime No.1364 of 2020 and consequently, order the re-investigation in Crime No.1364 of 2020 on the file of the 5th respondent by appointing CBCID police or by any other competent police officials for fair and proper investigation.

2. The petitioner is the unfortunate father of the deceased S.Sugumaran and the said Sugumaran had love affair with one Bhuvaneswari. Initially, there was some opposition for intercaste marriage. Thereafter, the marriage was held with the concurrence of both the families on 29.01.2017. After the marriage, the petitioner's son and his daughter-in-law were living with him as joint family. His daughter-in-law's mother viz., Chitra Geetha was running a beauty parlour in Thirupur in the name and style of "Geetha Beauty Clinic and Institute and she was in debts, she used to force the petitioner's son to pay her debts. With great difficulty, most of the debts were cleared by the petitioner's son. Not satisfied with the same, the said Chitra Geetha wanted her daughter and the petitioner's son to part ways from joint family and to start a nucleus family and also forcibly obtained the family properties by settlement, which was registered by the petitioner and his family members. Not stopping with that during pregnancy, the said Bhuvaneswari had gone to her parents house. After delivery, she did not return to the matrimonial home. The petitioner's son had gone to visit the baby few days prior to the occurrence and there, he was abused and he was pushed away, not permitting him to see his baby and on the condition that only after he gets family partition property, he would be allowed to live with his wife and baby. Further, the petitioner's son was threatened to be foisted with a dowry harassment case, which ultimately led to suicide of the petitioner's son. The petitioner's daughter-in-law and her parents are the reason for the petitioner's son committing suicide. The petitioner sent a detailed representation dated 09.01.2021 to the third respondent Commissioner of police, who under Section 158 Cr.P.C., is empowered to conduct further investigation, however, he had failed to do so.

3. On the other hand, when the petitioner filed a direction petition seeking further investigation in CrI.O.P.No.8200/2021, the respondent police submitted that on 24.04.2021 investigation completed, further action dropped and further referred charge sheet also served to the petitioner. When the same was refuted, this Court by order dated 10.06.2021 directed the respondent to serve the copy of the referred charged sheet and on receipt of the same, within two weeks, the petitioner to



file a protest petition. Thereafter, on 26.06.2021, the petitioner filed a copy application before the concerned Magistrate Court, the copy application was returned on 28.06.2021 with endorsement that till then, FIR and final report not received by this Court. Hence, the Inspector of police, Ammapet Police Station made a false representation to this Court as though further action dropped and referred charge sheet has been filed on 24.04.2021.

4. The learned counsel further referred to the statements of two witnesses viz., Bhuvaneswari and Venkatachalam. It is seen that both these statements have been recorded on 28.04.2021, which would clearly show that the respondent police only made a false representation before the High Court that referred charge sheet filed on 24.04.2021. Further, to buttress the fact, the petitioner had also referred to the first page of the final report, wherein, it is mentioned that referred charge sheet has been made ready on 24.04.2021. He further submitted that from the lower Court seal, it is seen that final report has been filed only on 29.06.2021. Why such a haste shown without properly conducting the investigation and the fact that without verifying the records, such submission is made, causes great concern and apprehension that no proper investigation conducted by the respondent police. He further submits that his representations dated 09.01.2021 as well as 12.08.2021 not addressed, despite specific complaint made, the manner in which investigation conducted. Further, none of the family members of the petitioner and the persons residing around, called for any enquiry and no statement recorded and no fair and proper investigation conducted and hence, the petitioner filed the above petition.

5. The learned Government Advocate (Crl.side) submits that the investigation completed in this case. Further action has been dropped. Report filed before the lower court. There is some mistake in the submission made by the police before this Court that further action dropped on 24.04.2021. The petitioner is blowing out of proportion alleging that no proper investigation conducted, but one thing is certain that in this case, the investigation completed and further action dropped. Now, the petitioner to file a protest petition before the concerned Court and thereafter, it is for the concerned court to pass appropriate orders.

6. Considering the submission and on perusal of the material, the submission that by mistake, it was submitted that further action dropped on 24.04.2021 cannot be countenanced for the reason that statement of two persons have been recorded on 28.04.2021. Further, in the first page of the final report, it is mentioned that the investigation completed on 24.04.2021. It



is clear the lower court seal found in the charge sheet is dated 29.06.2021 and also inward register No.2902 given. Hence, it cannot be brushed aside as a mistake. Further, this Court in CrI.O.P.No.8200/2021 by order dated 10.06.2021 directed the 5th respondent to serve the RCS to the petitioner and thereafter, within two weeks, the petitioner to file a protest petition. Though this order has been passed on 10.06.2021, till date, RCS not served. The respondent police is unable to produce any document to show that RCS has been served to the petitioner. The third respondent Commissioner of police, despite receipt of the representation from the petitioner, had not taken any action under Section 158 Cr.P.C. It is seen that the grievance of the petitioner, are not addressed.

7. In view of the same, the 5th respondent is directed to serve the copy of the referred charge sheet to the petitioner on or before 04.10.2021 and thereafter, the petitioner to file a protest petition, put forth his grievance and it is for the trial Court, after hearing the petitioner and considering the same, pass appropriate orders.

8. This Court is not approving the manner, in which the respondent police are making submission before the Court and which later are found to be not correct. In view of the same, the Commissioner of police to conduct enquiry with regard to the submission made before this Court that the referred charge sheet has been filed on 24.04.2021 and why despite the order of this Court, why RCS copy not served to the petitioner.

9. With the above direction, the Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

sms

To

1. The Director of General Police,
Tamil Nadu Police,
Mylapore,
Chennai-600 004.



2. The Inspector General of Police,
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Coimbatore - 641 018.

3. The Commissioner of Police,
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Salem - 636 006.

4. The Deputy Commissioner of Police,
Salem City,
Salem - 636 006.

5. The Inspector of Police,
Ammamet Police Station,
Salem - 636 003.
(Crime No.1364/2020)

6. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.A.Ilayaperumal, Advocate, S.R.No.46272

CRL.O.P.No.16091 of 2021

PMK(CO)
SU(05/10/2021)