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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 29.11.2021

PRONOUNCED ON : 23.12.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.Nos.17958 & 18113 of 2021

and

W.P.No.20976 of 2021

1.Uma ... first Petitioner in Crl.O.P.Nos.17958,
18113 of 2021 & W.P.No.20976/2021

2.K.Jeevitha ... second Petitioner in Crl.O.P.No.17958/2021

Versus

1. The Superintendent of Police
CBCID
Chennai.

2. The Investigating Officer
Crime Branch, CID-South
Tiruppur.
(Crime No.1 of 2021)

3. The Inspector of Police
Moolanur Police Station
Tiruppur District
(Crime No.64 of 2021)

... Respondents in Crl.O.P.No.17958/2021

1. The Superintendent of Police
Tiruppur District
Tiruppur.

2. The Inspector of Police
Moolanur Police Station
Tiruppur District.

3. Kothukara Kanagaraj



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4. Sivakumar
5. Pillakal Thootam Shanmugam
6. Maniyathal
7. Muthulakshmi
8. Karasakattu Chellamuthu
9. Kumar ... Respondents in CrI.O.P.No.18113/2021

1. Union of India
Secretary
Secretary Ministry of Home Affairs
Shastri Bhavan
New Delhi
Delhi.
2. Central Bureau of Investigation Director
CGO Complex
Lodhi Road
New Delhi
Delhi.
3. The Director General of Police
CB-CID
Chennai.
4. The Investigating Officer
Crime Branch, CID-South
Tiruppur. ...Respondents in W.P.No.20976/2021

PRAYER in CrI.O.P.No.17958/2021: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the Regional Forensic Laboratory, Coimbatore to preserve the Viscera sample of the deceased Nachathal sent in connection with Crime No.64 of 2021 on the file of the third respondent herein transferred and renumbered as Crime No.1 of 2021 on the file of the second respondent herein till such time as prescribed by this Court.

PRAYER in CrI.O.P.No.18113/2021: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the second respondent herein to provide necessary Police protection to the petitioner and her family members pursuant to the representation dated 23.06.2021 given to the first respondent.



PRAYER in W.P.No.20976/2021: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent herein to withdraw the investigation in Crime No.1 of 2021 on the file of the fourth respondent and transfer the same to the file of the second respondent herein and conduct the investigate in accordance with law.

For Petitioners
in all Crl.O.Ps.
& W.P.

: Mrs.K.Uma
(Party-in-Person)

For Respondents in
Crl.O.P.No.17958/2021
Crl.O.P.No.18113/2021
W.P.No.20976/2021

: Mr.E.Raj Thilak
Additional Public Prosecutor
For R1 to R3
For R1 & R2
For R1 to R4

COMMON ORDER

Since the issue arises out of Crime No.1 of 2021, this Court decides to dispose all the petitioners by way of common order.

2. W.P.No.20976 of 2021 has been filed to direct the first respondent herein to withdraw the investigation in Crime No.1 of 2021 on the file of the fourth respondent and transfer the same to the file of the second respondent herein and conduct the investigation in accordance with law.

3. Crl.O.P.No.17958 of 2021 has been filed to direct the Regional Forensic Laboratory, Coimbatore to preserve the Viscera sample of the deceased Nachathal sent in connection with Crime No.64 of 2021 on the file of the third respondent herein transferred and renumbered as Crime No.1 of 2021 on the file of the second respondent herein till such time as prescribed by this Court.

4. Crl.O.P.No.18113 of 2021 has been filed to direct the second respondent herein to provide necessary Police protection to the petitioner and her family members pursuant to the representation dated 23.06.2021 given to the first respondent.



5. The gist of the case is that on 17.02.2021, a case was registered in Crime No.64 of 2021 under Section 174 of Cr.P.C., on the complaint of one Chellamuthu/defacto complainant, who is residing at Coimbatore for the past 25 years and doing money lending business. The defacto complainant's sister Umadevi, who is the petitioner herein was married and residing in the native. The defacto complainant's mother Nachathal was residing alone at Ayegoundanpalayam and her father passed away five years before. On 12.02.2021 defacto complainant's mother was not well and she was taken to NG Hospital Coimbatore for treatment. Thereafter, she was discharged and sent home. Again she developed health complication and she was admitted at Prakash Hospital, Chinna Dharapuram. After treatment, she was discharged on 17.02.2021 and returned back home. On the same day, at around 5 p.m., the defacto complainant received a phone call from the Villagers who informed smoke emanating from his mother's house. Immediately the defacto complainant informed his relative one Eswari @ Rajeswari to check and inform to him what was happening there. The said Eswari visited the Nachathal's house and found met the defacto complainant's mother committed suicide by self immolation. Immediately, he left Coimbatore, reached his mother's house. Subsequently, took Nachathal to Dharapuram Government Hospital, where the Doctors confirmed her death and kept the body in the mortuary. He informed his relatives and the Police regarding the death of his mother and lodged a complaint. According to the defacto complainant, due to old age and health related problems, his mother self immolated using kerosene. Hence, a case came to be registered.

6. The petitioner herein, who is the daughter of the deceased, raised a doubt about the death of her mother and gave a representation on 24.02.2021 to the Superintendent of Police, Tiruppur. The grievance of the petitioner is that on 18.02.2021 at about 5.30 p.m., she informed the Mulanur Police that she had some doubt in the manner of death of her mother. She suspected that her mother was murdered and her brother Chellamuthu and sister-in-law Anbukarasi may be the reason. The petitioner insisted that her complaint to be considered, the Police conducted enquiry and informed her that an FIR already registered on the complaint given by her brother Chellamuthu. The petitioner sent photos and complaint to the Police officials, but no action has been taken. Thereafter, she sent a representation on 23.06.2021 to the Superintendent of Police, Tiruppur, apprehending threat to herself and her two daughters and her main grievance is that her husband has got property in Karupupparayanpudur, which is 8 kilo meters from her residence at Aravakurichi Town, and she is maintaining the same. They also have a Farmhouse, which was kept under lock. The farm house was broken and removed, during her absence and she suspected same



movement. She also found coconuts were missing from the trees and some foot marks in that place and burnt cigarettes. Further she and her daughters are constantly watched by one Karasakattu Sellamuthu, Maniyathal, Muthulakshmi, Kothukaran Kanagaraj, Kumar and Sivakumar and their life is at danger. Hence, she made a complaint to the Police, but no action was taken. Therefore, on 01.07.2021, the petitioner sent a representation to the District Collector, Tiruppur reiterating the above allegations. Subsequently, on 19.07.2021 she gave a representation to the DGP of Tamil Nadu met CBCID must investigate the case.

7. The grievance of the petitioner is that the First Information Report was wrongly filed with false information and she collected pictures of the body of her mother, but no action taken and the statements recorded are not proper. Call details of the suspected persons are not collected by the Mulanur Police. The police were delaying the investigation for more than three months. The verification of CDR details was not done. The Mulanur Police without prior notice, came to their house under the guise of questioning and made them to stand on the road for an hour. She suspected that at the instigation of her brother, one A.P.Ramesh and Sivakumar, who are the President and Councillor from the same village, are influencing the Police. She also suspect that Pillakalthotam Shanmugam, Sivakumar, Kothukaran Kanagaraj, Maniyathal, Muthulakshmi and Anbukarasi, were involved in the murder of her mother. She again followed it up with another representation dated 17.08.2021 to the Home Secretary seeking transfer of investigation. On 23.08.2021 the petitioner gave representation to the DGP, CBCID to alter the FIR, but no action taken. Hence, followed it by sending emails to various authorities. Finally, she sent a representation to the CBCID on 16.09.2021. Since no action taken, she filed the above Writ Petition.

8. The further grievance of the petitioner is that, following her representation to the CBCID, FIR in Crime No.1 of 2021 was registered, which is a mere reproduction of earlier FIR in Crime No.64 of 2021. The petitioner objected to the CBCID for registering the case under Section 174 Cr.P.C. The Investigating Officer of CBCID constantly called the petitioner for enquiry. In fact, the Investigating Officer affixed a notice at their residence on 24.08.2021, insisting the petitioner and her daughters to appear on the very next day, despite she informing the Investigating Officer that they will not be available in Tiruppur on that day. The petitioner is a widow living with two unmarried daughters. Taking advantage of her vulnerable position, undue pressure is being exerted by the Investigating Officer. Such display of notice on her residence gate caused the petitioner embarrassment and great mental agony. When the same was questioned by her daughter, the Investigating Officer



9. The petitioner's further grievance is that re-investigation was not conducted. On the other hand, CBCID insisted the petitioner and her daughters to appear before them unnecessarily, which is a clear abuse of law. There is possibility of tampering the medical report and forensic report by the CBCID team. The petitioner is not only being harassed by the CBCID, earlier the Mulanur Police had also caused such harassment. When the petitioner made a request to meet the DGP, CBCID team, it was denied and informed that she should not come to the CBCID office any more. If she has any grievance, she has to represent to the Investigating Officer. The petitioner suspected political influence to distort the case, since brother-in-law of one of the suspect Sivakumar is a high level Police Officer. She suspects that the phone number of the petitioner and her daughters are illegally tracked.

<https://hcservices.ecourts.gov.in/hcservices/>



11. On 12.08.2021, Mr.Rohith refused to meet petitioner. Thereafter, several requests were sent to DGP, CBCID. Mr.Rohith informed her that if they raise questions regarding the investigation, CBCID team will turn against them. The petitioner was shocked and appalled as it is her duty to follow up the case to know the truth. She further submitted that on the night of 16.08.2021 one Mrs.Radha, contacted the petitioner's daughters, Ms.Jeevitha (second petitioner) and Ms.Sathya through phone and informed that she is the new CBCID Investigating Officer and she has re-registered the First Information Report vide Crime No.1 of 2021. She further submitted that the petitioner's daughter Sathya immediately asked Mrs.Radha that despite CBCID SP Mr.Rohith confirmed that the case was received to CBCID team as 'Murder', why the FIR was not registered under Section 302 of IPC, for which, there was no proper reply from Mrs.Radha. She further submitted that the forensic report clearly indicates that the death of her mother is a murder and hence, the correct provisions of law ought to be stated in the FIR. She further submitted that despite requesting Mrs.Radha to state the correct provisions of law in the FIR, she turned deaf to their requests. She further submitted that she had sent representation to the Governor and Home Secretary of Tamil Nadu requesting them to stop the CBCID investigation with immediate effect, since the First Information Report lodged does not include correct provisions of law and also requested the Hon'ble Governor and Home Secretary of Tamil Nadu to take possession and look into the CCTV footage and the conversation between the petitioner, her daughters with Mr.Rohith on 04.08.2021 at CBCID office and the CBCID officer Mr.Rohith admitting the death of Nachathal as murder. On 16.09.2021, the petitioner's daughters enquired with the Regional Forensic Team with regard to despatch of forensic report. It was informed that the report was dispatched on 09.09.2021. However, Mr.Rohith as early as on 04.08.2021 informed that the forensic report analysis have confirmed her mother's death as murder and forensic report indicates that her mother was murdered. Since there is a disparity, she suspects that there is every possibility of tampering of evidences and the reports. Further in the forensic report it is mentioned that no poison was found in the viscera report.

12. The Sub-Inspector of Police, Mr.Nagarajan, Head Constable Mr.Boopathy and CBCID SP Mr.Rohith had confirmed that her mother was murdered, but the First Information Report is yet to be altered to Section 302 of IPC and the case is completely proceeded on a misdirected direction with false information and witnesses statement were recorded accordingly, as seen in the status report. She further submitted that she decided to submit some confidential information with evidence about Nachathal's murder to the "Hon'ble President of India", "Chief Justice of



India" & some key Authorities in the Central Government to bring out the truth behind her mother's suspicious death. She further stated that in the year 2015, due to the physical assault inflicted upon the petitioner by the accused, the petitioner had lodged a complaint to the Mulanur Police Station, CSR assigned but no action taken. However, the petitioner and her daughters will appear before the CBI enquiry and disclose all the facts. Hence, she sought for transfer of investigation. Since the CBCID not conducted proper investigation, they are ready to appear before CBI to disclose the true facts, hence sought transfer of investigation.

13. The fourth respondent in W.P.No.20976 of 2021/The Investigating Officer, Crime Branch, CID-South, Tirupur filed a counter and status report narrating the events from registration of the case on the complaint of one Chellamuthu by the Mulanur Police Station, registered as Crime No.64 of 2021 under Section 174 of Cr.P.C (Burning). From the complaint it is seen that on 12.02.2021, Chellamuthu's mother Nachathal was not well and was taken to NG Hospital, Coimbatore for treatment. Subsequently, she was shifted to Chinna Dharapuram and admitted at Prakash Hospital. After treatment, she got discharged on 17.02.2021 and returned back home. On the same day, around 5 p.m., the de-facto complainant received a phone call from the Villagers that smoke was found emanating from his mother's house. She was taken to Dharapuram Government Hospital, where the Doctors confirmed her death. He informed that due to her bad health condition, his mother had committed suicide by self immolation using kerosene. On examination of the case, the First Information Report was sent to Thasildar, Dharapuram. Tr.Nagarajan, Sub-Inspector of Police Mulanur Police Station visited the scene of occurrence on 18.02.2021, prepared rough sketch and observation mahazar in the presence of independent witnesses Tr.Sivakumar and Tr.Subramaniyan, then the Sub-Inspector of Police seized the burned materials, viz., cot, burned materials of cloth, a small quantity of kerosene with can from the scene of occurrence under cover of a seizer mahazar. The Sub-Inspector of Police held inquest over the dead body of Nachathal on 18.02.2021 at morning 08.30 hours in the mortuary of Government Hospital Dharapuram. The Sub-Inspector of Police also examined the witnesses Chellamuthu, Eswari, Ramasamy, Rajendran, Sivakumar, Subramaniyan including Umadevi, the petitioner herein. The Sub-Inspector of Police, registered the case under Section 174 of Cr.P.C (Burning) for suspicious death and submitted the CD file to the then Inspector of Police Tr.Thiruvanantham, Mulanur Police Station for further investigation. The Sub-Inspector of Police sent requisition to the Medical Officer, Government Hospital, Dharapuram to conduct postmortem on the dead body of Nachathal.



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14. He further submitted that on 19.02.2021, Tr.Thiruvanantham, the Inspector of Police took up investigation of this case, examined relevant witnesses and recorded their statements. On 23.02.2021, the viscera organs of the deceased Nachathal were collected and the same were sent to Regional Forensic Science Laboratory Coimbatore. On 02.03.2021, the Inspector of Police summoned the petitioner herein, viz., Uma Devi and her daughters namely, Sathya and Jeevitha to appear before the Investigation Officer on 03.03.2021. On 04.03.2021, the petitioner appeared before the Investigation Officer and presented a petition raising questions and suspicion over the death of Nachathal. On 09.03.2021 the Inspector of Police, Mulanur sent a letter to Thasildar, Dharapuram to transfer all the documents relevant to this case to Judicial Magistrate, Dharapuram. As per the request, the documents and materials were transferred and produced before the Judicial Magistrate Court, Dharapuram. On 15.03.2021, the petitioner herein filed a Writ Petition in W.P.No.7227 of 2021 before this Court seeking transfer of investigation of this case to Crime Branch CID. In the meanwhile, she presented a petition to the Director-General of Police/Head of Police Force requesting to transfer the investigation of this case to the State Crime Branch CID. As per R.C.No.6413/Crime -2(2)/2021 dated 27.07.2021, the case was transferred. As per the orders of the Director-General of Police/Head of Police Force, The Director-General of Police Crime Branch CID directed the fourth respondent to conduct further investigation vide C.No.Crime-I(2)/361/10629/2021 dated 03.08.2021. The case was registered in Tiruppur Crime Branch CID, Crime No.01 of 2021 under Section 174 of Cr.P.C., (Burning) dated 16.08.2021. Thereafter, the fourth respondent took the investigation in this case, collected all the relevant documents from the previous Investigating Officer. The fourth respondent perused the CD file and thereafter, proceeded to the spot, prepared observation mahazar, rough sketch and seizure mahazar from the scene of occurrence on 18.08.2021. He visited the scene of crime with the help of scientific officer, Finger print expert, Police photographer and recovered 1) Swab of smearable, smoke deposit from the wooden bench, 2) melted substance from the wooden bench, 3) torn piece of green cloth collected with the help of scientific officer. CBCID sent a request letter to the mobile network service provider requesting them to provide CDR, tower location etc., for the suspected numbers provided by the petitioner herein. The seized materials from the scene of crime were produced before the Chief Judicial Magistrate Court, Tiruppur and recorded as CP.No.08/2021 and CP.No.09 of 2021. The seized materials were forwarded to Tamil Nadu Forensic Science Laboratory Chennai for chemical analysis. The fourth respondent sofar examined 53 witnesses, recorded their 161(3) Cr.P.C., statements and interrogated the suspected persons identified by the petitioner. He further submits that he summoned the



petitioner over phone on 17.08.2021, 19.08.2021 and 23.08.2021, but the petitioner failed to attend the call, her daughters conveyed a message to the fourth respondent that they will not attend the enquiry till the case is altered to Section 302 of IPC. Since they failed to appear and co-operate with the investigation, summon was affixed on the address of the petitioner at Karupparayanpudur on 24.08.2021 and a copy of summon was sent through registered post on 15.09.2021, and also sent a summon to her daughter's email address on 18.09.2021. Even after receipt of the summons, the petitioner failed to appear for enquire and co-operate with the investigation.

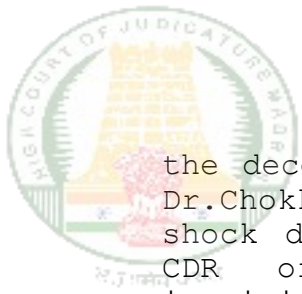
15. Further during the investigation, the following facts came to light. The deceased Nachathal was aged about 80 years and she was living alone in a small house at Ayegoundanpalayam Village. She had two children, one Tr.Chellamuthu and another is Tmt.Umadevi petitioner herein. During the year 2010, when Nachathal's husband Thirumalaisamy Gounder was alive, he had given in lease of his land to Chandrasekar, who had enmity with Kathirvel, the husband of the petitioner herein. This created dispute between Nachathal's family and Umadevi's family. Due to which, the petitioner stopped to visit Nachathal's house. During the year 2011, Nachathal's husband Thirumalaisamy passed away. At that time, neither Kathirvel nor Umadevi attended the funeral. Likewise, during the year 2014, Kathirvel the petitioner's husband passed away. At that time, Nachathal and her son Chellamuthu has not attended the funeral. Thus they were not in talking terms and had displeasure towards each other. In these circumstances, Nachathal was living alone at Ayegoundanpalayam Village she was paid Rs.1,000/- per month by her son Chellamuthu. The petitioner herein Tmt.UmaDevi eventhough living in the nearby Village within two kilometers, has never visited and helped her mother Nachathal. Her son Chellamuthu is settled in Coimbatore and he is doing money lending business at Coimbatore, which is situated nearly 120 Kilometers away from Nachathal residence at Ayengoundanpalayam. Tmt.Nachathal used to purchase ration materials like rice, sugar, kerosene etc., from the ration shop at Ayengoundanpalayam with the money given by her son Chellamuthu. The said Nachathal had high level of mental agony and used to talk to one Eswari @ Rajeswari who informed that she was disinherit in life and complained that she was left alone by her son and daughter. She was suffering health ailments and unable to intake food and water. She informed to Eswari @ Rajeswari that she will commit suicide by self immolation. She also requested Eswari @ Rajeswari to place a piece of cloth on her dead body after her death to cover her body, since her dress would be burnt. Nachathal was suffering from both mental and physical loneliness and was in a depressed state. In such a situation, on 12.02.2021, she suffered from headache, throat



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pain, difficulty in swallowing and unable to take food and water, for which, she took treatment at NG Hospital, Coimbatore. The medical treatment was given by her son. The treatment particulars reveal that she was suffering from severe anemia under evaluation/dysphagia, ulcer problem and she also had mental depression. On 14.02.2021 she was discharged from NG Hospital Coimbatore, and returned to her native place through car, which was arranged by her son Chellamuthu. It was ascertained that the medical bill at NG Hospital, Coimbatore was paid by her son Chellamuthu. On the same day, the said Nachathal again fell ill and asked one Rani to arrange to talk to her grand-daughter Sathya. Accordingly, Rani contacted Sathya and conveyed the message that her grandmother Nachathal was not well and she wants to meet Sathya. At that time, Sathya informed Rani to make arrangements for admitting Nachathal to a nearby Hospital. Sathya also sent Rs.2500/- through Google Pay to Tr.Naveen S/o.Rani for the medical expenses. The said Nachathal was admitted in Prakash Hospital, Chinna Dharapuram on 14.02.2021 and got discharged on 17.02.2021. One Rani neighbour of Nachathal house, saw her sitting in front of her house on that day. Subsequently, around 15.30 hrs, one Deivanai another neighbour of Nachathal found smoke coming from Nachathal's house. Immediately, Dheivanai shouted for help and informed Meenakshi. They found that the front door of Nachathal's house was opened and they saw Nachathal in flame and smoke, lying on the floor in the hall. Subsequently, Pooranam, Ranganayagi, Kothukara Kanagaraj, Eswari and other Villagers came there, put off the fire and then informed to her son Chellamuthu. Subsequently, the information was passed to Mulanur Police Station, Police Personnel of Mulanur Police Station came to the spot, removed the dead body to the Government Hospital Dharapuram with the help of Villagers and relatives of Nachathal. Before removal of dead body from the scene of occurrence, the petitioner herein Umadevi and her daughter Jeevitha came to the spot in the evening. They had not entered the house and shown no inclination to see Nachathal body. Even after the request of local Police, Umadevi and her daughter Jeevitha refused to see the dead body of Nachathal. After that, around 9.30 p.m., Nachathal's son Chellamuthu visited the Mulanur Police Station and gave the complaint and on receipt of the same, a case registered and further process commenced.

16. The fourth respondent examined Dr.Chokkalingam, who conducted autopsy over the dead body of Nachathal. Viscera report obtained from the Regional Forensic Science Laboratory, Coimbatore, confirms that no poison was detected in the viscera organs collected from the dead body of Nachathal. Dr.Chokkalingam had stated that he noticed burn injuries on the dead body of Nachathal, which was Anti mortem in nature. He has also found suit carbon particulars were found on the trachea of



the deceased and no other injuries were found on the dead body. Dr.Chokkalingam opined that the deceased appear to have died of shock due to burn injury. On the complaint of the petitioner, CDR of the suspected persons were analysed, nothing incriminating found. The materials collected by the CBCID from the scene of crime were sent to the Tamil Nadu Forensic Science Laboratory, Chennai for chemical analysis. The report is yet to be received and the second opinion will be obtained from HOD, Forensic Department, Coimbatore with regard to cause of death of Nachathal.

17. Investigation is proceeding in the right direction. The persons who are suspected by the petitioners were examined and verified. The investigation is in progress. As on date, the petitioner's suspicion seems to be without any materials. During investigation, if any material is collected, appropriate action will be taken. The petitioner has been making bald allegations, initially against Mulanur Police, later against the CBCID SP and against the Investigating Officer. The Investigating Officer has nothing against the petitioner and the investigating has been properly conducted. The petitioner without any material made bald allegations. Hence, he prayed for dismissal of the petitions. The petitioner seeks police protection without naming any particular person or giving valid reasons. If any complaint is received by naming persons with tangible materials, appropriate action would be taken and police protection will be given.

18. This Court considered the rival submissions and perused the materials. It is seen that the deceased Nachathal had a son and a daughter, who are the defacto complainant and the petitioner in this case. The deceased Nachathal was aged about 80 years, she was living alone in a small house in Ayengoundanpalayam, she felt deserted. In the year 2010, Nachathal's husband Tirumalaisamy, the father of the petitioner and the defacto complainant gave lease of his land to Chandrasekar. The said Chandrasekar had enmity with Kathirvel, the husband of the petitioner, due to which, dispute and displeasure arose between the petitioner and her mother's family. In the year 2011, Nachathal's husband Thirumalaisamy, father of the petitioner passed away. The petitioner and her husband Kathirvel did not participated in the funeral and other rituals. Likewise, on the death of the petitioner's husband Kathirvel, neither Nachathal nor Chellamuthu participated in the funeral and other rituals. Such was the animosity between them. The petitioner's brother Chellamuthu is residing in Coimbatore along with his family. He took care of his mother by providing monetary support. When Nachathal was suffering from ill health on 12.02.2021, she was admitted in NG Hospital, Coimbatore. Later she got discharged on 14.02.2021 and she returned back



home by a Car arranged by Chellamuthu. After Nachathal reached home, she again suffered health ailments and she was unable to take food and water. Thereafter, she got admitted in Chinna Dharapuram Prakash Hospital. On 17.02.2021 at about 15.00 hrs, one Rani, a neighbour saw Nachathal sitting in front of her house. She was in a depressed mood, her son residing in Coimbatore 120 kilometres far away and her daughter though only 2 kilometres away, failed to visit their mother for years together. Later another neighbour Meenakshi saw the front door of Nachathal house was opened, flame and smoke coming from inside. Raising alarm she visited the house with other villagers, found Nachthal body burnt lying on the floor. The petitioner on coming to know about the death of her mother, though came to the scene of occurrence refused to enter the house to see the condition of her mother. However, she suspected that it was a murder for the reason there is no burn injuries on the back side of the body. The Forensic Doctor opined that there is no poison or any substance found in the viscera. The Post mortem doctor in his report opined that the cause of death of the deceased was due to burn injury, which was anti mortem in nature. The petitioner made allegations against the Investigation Officer of Mulanur Police Station for not taking her complaint and not registering a case of murder, but there is no material to show that the petitioner had given any complaint then. It is normal that such death are registered under Section 174 of Cr.P.C. Only during investigation if materials found, Section will be altered. Chellamuthu, son of Nachathal had given a complaint and a case under Section 174 Cr.P.C., was registered. There is nothing wrong in it. Nothing to infer any malice.

19. The other allegation of the petitioner that the CBCID Police registered the case in Crime No.01 of 2021 under Section 174 of Cr.P.C., which is reproduction of contents in Crime No.64 of 2021 registered by the Mulanur Police Station instead of registering a case under Section 302 IPC as it is a case of murder, registering the case under Section 174 Cr.P.C., is not proper. On the direction of the DGP of Police, the case has been registered vide C.No.Crime-I(2)/361/10629/2021, dated 03.08.2021. While transferring a case from one investigation agency to another, the earlier contents of the FIR would be re-registered and thereafter, during the investigation, if any materials are found, the same would be added later by way of alteration report. The apprehension of the petitioner that the SP of Police on 04.08.2021 informed that it is a case of murder and and the forensic report may be tampered, these are bald allegations without any material. The Forensic report, post mortem report given by the Government authorities. They are responsible officials no motive to be attributed against them without any materials.



20. One other allegation of the petitioner is that in the year 2015, due to family dispute, the petitioner was threatened by one Velusamy, Vadivel, Maniyathall and Balakrishnan, for which CSR.No.179 of 2015 was assigned. They have nothing to do with the present case. The persons who are named in the said CSR are attempted to be linked in this case, which cannot be accepted.

21. The seized articles from the scene of occurrence were sent to the forensic expert through the Court. The petitioner participated in the inquest, raised no objection. The other allegation that the Farmhouse lock was broken, foot print found and some movement were noticed is no way connected with the investigation of this case. Further, doubts raised by the petitioner about investigation is without reason. It is seen that investigation in this case is proceeding in the right direction. Already 55 witnesses examined, forensic report received, opinion of the post mortem Doctor obtained CDR details collected and verified. Further one more forensic report from the Regional Forensic Laboratory, Chennai to be obtained. It is submitted that the entire records would be scrutinised and second opinion will be obtained. It is seen that substantial portion of investigation progressed. The allegation made against the Investigating Officer of Mulanur Police Station and CBCID Investigating Officer are without any materials.

22. In view of the same, this Court is not inclined to entertain the above petitions. The complaint of the petitioner that she and her daughters were threatened by someone is only an allegation without materials. The petitioner has not mentioned any named person and provided any particulars. It is also seen that no tangible reason is given for doubting forensic report. Mere apprehension without materials cannot be entertained. Further, the premier agency of the State, viz., CBCID is conducting the investigation which is proceeding in the right direction. In view of the same, the fourth respondent shall continue the investigation and file a final report in this case without delay with due intimation to the petitioner.

23. Hence, all the petitions in CrI.O.P.Nos.17958 & 18113 of 2021 and W.P.No.20976 of 2021 are dismissed.

Sd/-
Assistant Registrar(CS IV)

True Copy//

Sub Assistant Registrar



To

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1. The Director General of Police
CB-CID, Chennai.
2. The Superintendent of Police
CBCID, Chennai.
3. The Superintendent of Police
Tiruppur District
Tiruppur.
4. The Investigating Officer
Crime Branch, CID-South
Tiruppur.
5. The Inspector of Police
Moolanur Police Station
Tiruppur District
6. The Secretary,
Union of India
Secretary Ministry of Home Affairs
Shastri Bhavan
New Delhi, Delhi.
7. The Central Bureau of Investigation Director
CGO Complex
Lodhi Road
New Delhi, Delhi.
8. The Public Prosecutor
High Court, Madras.

+9ccs to M/s.K.Uma, Party in Person, S.R.No.69205,69206,69204

CrI.O.P.Nos.17958 & 18113 of 2021
and
W.P.No.20976 of 2021

RP[co]
NSK 23/12/2021