



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE ON WHICH RESERVED : 02.07.2021

DATE ON WHICH PRONOUNCED : 22.07.2021

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.6159 of 2021

S.Muruganantham

... Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Thanjavur Main Road,
Tamil University Campus,
Thanjavur - 613 010.

2. The Inspector of Police,
Orathanadu Police Station, Orathanadu,
Thanjavur District.

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

... Respondents

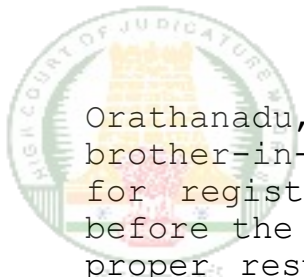
Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the 1st Respondent to transfer the case in Crime No.183/2019 from the file of 2nd Respondent to the 3rd Respondent (Crime Branch Crime Investigation Department) for fair investigation.

For Petitioner : Mr.T.A.Punithan
For Respondents : Mr.R.M.Anbu Nithi,
Additional Public Prosecutor.

ORDER

This Criminal Original Petition is filed to direct the 1st Respondent to transfer the case in Crime No.183/2019 from the file of 2nd Respondent to the 3rd Respondent (Crime Branch Crime Investigation Department) for fair investigation.

2. (i) The case of the prosecution in the above said case mentioned by the petitioner in the complaint, dated 27.05.2019, is that he and his three brothers were living jointly and they were in possession and enjoyment of the agricultural land to an extent of 10 acres including fish farm and two bore wells. He and his elder brother used to visit the land for the purpose of agricultural operations. Some five years prior to the date of complaint, one Ammu, wife of Chinnathambi, approached his brother-in-law namely, Ravichandran for selling 16 cents of property in Akrakaram Street,



Orathanadu, Thanjavur District for sum of Rs.62 lakhs. He and his brother-in-law, paid Rs.50 lakhs as advance. When there was a demand for registration of sale deed, the said Ammu lodged a complaint before the DCB, Thanjavur and in the Village Panchayat. There was no proper response. Later, for the said amount, she executed a sale deed in respect of a house situated in 3 cents for Rs.22 lakhs in favour of his brother-in-law. When the balance amount was demanded, she absconded and one Ilaiyaraja, who is the brother of the Ammu and Ramasamy, who is the father of Ammu, have quarrelled with him. The above said Ammu was also making life threat through cell phone.

(ii) Similarly, there was a channel dispute between him and one Krishnamoorthy. Some 20 days prior to the date of complaint, he has preferred to harvest paddy. That was prevented by said Krishnamoorthy and further, without getting permission of the defacto complainant, he put two bags of paddy seeds for soaking purpose in the fish pond and the same was questioned by him. Later, it was entered into compromise.

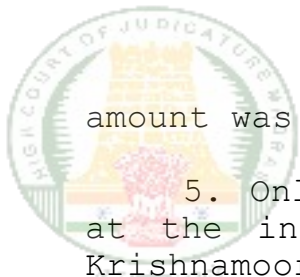
(iii) On 26.05.2019, at about 11.00 p.m, his deceased brother namely, Seenii @ Jeyakumar went to the land for giving food to the worker, namely, Raman. On 27.05.2019, at about 05.45 a.m, one Dineshkumar saw the deceased in the place of occurrence with cut injuries on the neck portion and informed the same to him. He immediately, went to the place of occurrence and saw his brother dead with cut injuries. The worker, namely, Raman was also found missing.

(iv) On the basis of the complaint given by him, a case in Crime No.182 of 2019 for the offence punishable under Section 302 IPC was registered on 27.05.2019.

(v) During the course of investigation, the Investigation Officer collected materials and finally, final report was filed on 19.12.2019. After that, on 22.10.2020, the petitioner sent a representation to the Investigation Officer stating that he suspected the above said Ammu with regard to the murder case and she must be properly enquired. He also stated that only at the instigation of said Ammu, Krishnamoorthy had committed the murder. So, based upon this, he has filed this petition to transfer the investigation.

3. Heard both sides.

4. In the First Information Report, the petitioner has narrated two incidents that took place prior to the murder of his brother and also gave an impression that he suspected those two persons. The above said Ammu, it appears that there was a sale agreement dispute between Ammu and the complainant and his brother-in-law, namely, Ravichandran. But, later, only for a portion of amount, she executed a sale deed in favour of his brother-in-law. So, when the balance



amount was demanded, there was a life threat.

5. Only on the complaint that has been made in this petition, at the instigation of the said Ammu, the first accused namely, Krishnamoorthy has committed murder. But, perusal of the final report shows that the said Ammu is in no way involved in the murder.

6. During the course of investigation, it has been found that the accused Raman was working as a coolie. When he demanded proper coolie amount, it was rejected by the petitioner and his elder brother. So, Raman was inimical towards the elder brother of the petitioner as well as the petitioner. Similarly, the accused Krishnamoorthy was also inimical towards the petitioner's family and his brothers over the land dispute. Even though in the complaint, it has been stated that dispute between them and the above said Krishnamoorthy has been solved in the Panchayat, during the course of investigation, it has been found that he was the man behind the occurrence.

7. Now, the petitioner wanted to rope in the said Ammu into the said offence stating that only at her instigation, the accused, Krishnamoorthy has done his brother to death. But, the final report shows that only the accused Krishnamoorthy made arrangements and conspired with the other accused and gave Rs.50,000/- to said Raman to commit murder. Similarly, the second accused has also got involved in the offence. He also paid Rs.1 lakh. So, only in pursuance of the above said conspiracy, the said Krishnamoorthy and other persons, committed murder. This is highly unbelievable that the said Ammu instigated the said Krishnamoorthy to commit murder.

8. Reading of the final report shows that the investigation has been done in a fair manner. Absolutely, there is no incriminating material found during the course of investigation, against the said Ammu.

9. I am of the considered view that this petition has been filed without any proper basis. The petitioner cannot insist the Investigation Officer to rope a person, whom he wants to rope into this case. So, I find no merit in this petition and this petition deserves dismissal and accordingly, dismissed.

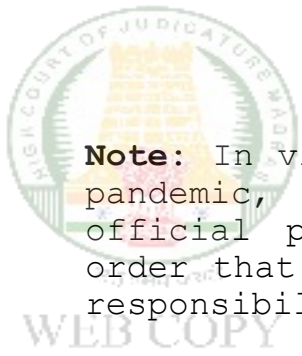
Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Thanjavur Main Road,
Tamil University Campus,
Thanjavur - 613 010.
2. The Inspector of Police,
Orathanadu Police Station, Orathanadu,
Thanjavur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.6159 of 2021
22.07.2021

KMK(CO)
KB(03.08.2021) 4P 4C