



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 01.12.2021

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVA

Crl.O.P.(MD)No.5956 of 2019

WEB COPY

Radhakrishnan

: Petitioner

Vs.

- 1.The Director General of Police,
O/o.Director General of Police,
Chennai.
- 2.The Superintendent of Police,
Kanyakumari District, Kanyakumari.
- 3.The Inspector of Police,
Anjugramam Police Station,
Kanyakumari District.
- 4.The Inspector of Police,
CBCID, Tirunelveli.

: Respondents

Prayer: Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, to direct the 1st respondent to transfer the Crime No.86 of 2019 on the file of the 3rd respondent to the 4th respondent and order for re-investigation by the 4th respondent.

For Petitioner : Mr.P.T.Ramesh Raja

For Respondents : Mr.E.Antony Sahaya Prabahar

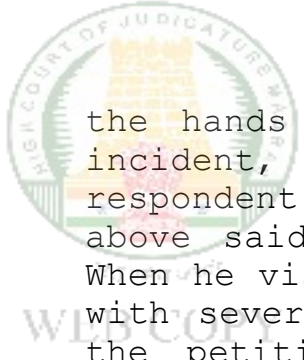
Additional Public Prosecutor

O R D E R

This petition has been filed by the petitioner seeking to transfer the investigation of the case in Crime No.86 of 2019 from the file of the 3rd respondent to the 4th respondent.

2.The case of the petitioner in brief:-

The deceased Ramachandran is his brother. Some matrimonial dispute exists between the said Ramachandran and his wife. It appears that based upon the complaint given by the wife of the said Ramachandran, he was taken to the 3rd respondent police station at about 5.00 am in the morning, on 22.03.2019, where he was attacked by the Sub Inspector of Police and other police constables. Ramachandran sustained injuries in the neck, jaw, both



the hands and his private part etc. On knowing the above said incident, the petitioner and his relatives went to the 3rd respondent police station and made enquiry. On their request, the above said Ramachandran, let off after obtaining his signature. When he visited the police station, saw that the said Ramachandran with severe injuries and also in unstable condition. He informed the petitioner that he was severally beaten and he has also suspected causing fracture on his spinal cord and swelling also noticed on the body of his brother. Later, he was taken the house and during that course, he informed the petitioner and others that he was threatened by the police constables to commit suicide. A false case was also registered against the above said Ramachandran. At about 4.15 to 4.30 pm, the said Ramachandran called his sister's daughter and informed her that he consumed poison. He was taken to the Government Hospital, Asaripallam, where he died. The said Ramachandran has also left a suicide note, implicating the police and his wife. Based on the false complaint received by the police from the wife of the deceased, the case has been registered in Crime No.86 of 2019. Suicide was committed by the Ramachandran out of the torture and the investigation made by the 3rd respondent police and if the 3rd respondent police is allowed to investigate the matter, then no justice can be rendered. A representation was made by the petitioner seeking CBCID enquiry. But however, that was not considered. So, this petition is filed by the petitioner seeking direction to transfer the investigation pending on the file of the 3rd respondent.

3. Heard both sides.

4. It is a matrimonial dispute between the husband and wife, ended in suicide of husband. Now the learned counsel appearing for the petitioner would submit that only because of the instigation and torture and physical assault, the said Ramachandran committed suicide. It is also alleged that the suicide note also left by the above said Ramachandran implicating the 3rd respondent police officials as well as his wife.

5. The entire CD file has been produced before this court for consideration. On going through the CD file, I am of the considered view that only for the purpose of covering the alleged assault, that has been made by the 3rd respondent police officials during the course of enquiry, that was made on the basis of the complaint given by the wife of the deceased against her husband, the case has been registered in Crime No.84 of 2019 under section 75 of TNCP Act. The date of the occurrence was stated to be 9.30 a.m, on 22.03.2019, as if the deceased was standing in the road and making public nuisance by uttering abuse words and subsequent events took place, in which, it appears that he has been severely and brutally beaten in the enquiry process, based on the complaint given by his wife and only for the purpose of



creating the behaviour of the deceased, enquiry appears to have been undertaken by the police. Otherwise, in matrimonial matters, the police may not have any role to make any enquiry.

6. Perusal of the entire CD file shows that the deceased Ramachandran was not a man of good conduct and character and drunkard making trouble to the family members. But the bad character of the deceased may not be a reason for the assault made by the police under the guise of enquiry and under the guise of correcting his behaviour. This is totally not only unwarranted, but alien to the performance of the duty of the police officials. The reason for this court to make such an observation is that during the course of postmortem, several external injuries were found on the body of the deceased. Two injuries of larger extent was found on the foot region of the deceased. So it is the allegation on the side of the petitioner that the deceased was assaulted on the private parts.

7. As mentioned earlier, only in order to cover up the above said assault, it appears that the above said case in Crime No.84 of 2019 has been registered against the deceased stating that he sustained those injuries due to fall in the road area. Creating false evidence for the purpose of covering of the whole issue is totally unbecoming of public service.

8. No doubt the 3rd respondent and the wife of the deceased would not have instigated the deceased to commit suicide. But at the same time, the assault that has been made on the body of the deceased should also be properly investigated. So I am of the considered view that it is a fit case, in which a direction can be issued to the higher police officials to take up the investigation.

9. Accordingly, this criminal original petition is allowed, by directing the DIG of Police (South Zone) to depute a responsible officer not below the rank of DSP to investigate the matter. The final report must be submitted within a period of six months from the date of receipt of the case file by the concerned Officer before the concerned court.

Sd/-

Assistant Registrar (CS III)

// 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 Director General of Police,
O/o.Director General of Police,
Chennai.
- 2.The DIG of Police,
South Zone.
- 3.The Superintendent of Police,
Kanyakumari District, Kanyakumari.
- 4.The Inspector of Police,
Anjugramam Police Station,
Kanyakumari District.
- 5.The Inspector of Police,
CBCID, Tirunelveli.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.P.T.RAMESH RAJA, Advocate (SR-37295[F] dated
03/12/2021)

Cr1.OP(MD)No.5956 of 2019
01.12.2021

NSN(CO)
SB(10.12.2021) 4P 8C