



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.11.2021

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)Nos.14497 and 16863 of 2021

and

WEB COPY Crl.M.P. (MD)Nos.7637, 7811, 7898 and 9110 of 2021

Crl.O.P. (MD)No.14497 of 2021:-

R.Chandrasekar

... Petitioner

Vs.

- 1.The Director General of Police,
Government of Tamil Nadu,
O/o. Director General of Police, Chennai.
- 2.The Additional Director of General of Police (Crime),
CBCID, SIDCO Electronic Complex,
First Floor, Guindy, Chennai.
- 3.The Deputy Superintendent of Police CBCID,
O/o.Superintendent of Police CBCID,
Virudhunagar District, Virudhungar.
- 4.The Superintendent of Police,
O/o. Superintendent of Police,
Virudhungar District, Virudhungar.
- 5.The Inspector of Police,
Soolakarai Police Station,
Virudhungar District.
Virudhungar. (Crime No.142 of 2021) ... Respondents

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondent No.4 to withdraw the case in Crime No.142 of 2021 under Section 302 of IPC on the file of the respondent No.5 dated 21.08.2021 and entrust the same to respondent No.3 for an investigation of the case by a competent officer and file a final report before the jurisdictional Magistrate within the time stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy
For Respondents : Mr.T.Senthil Kumar,
Addl. Public Prosecutor.

Crl.O.P. (MD)No.16863 of 2021:-

N.Vignesh

... Petitioner

Vs.

- 1.The State rep by
The Inspector of Police, Soolakarai Police Station,
Virudhungar District. (Crime No.142 of 2021)



2.B.Kalaiselvi

... Respondents

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the entire records pertaining to the case in Crime No.142 of 2021 pending on the file of the Inspector of Police, Soolaikarai Police Station, Virudhunagar District and quash the same as against the petitioner.

For Petitioner : Mr.R.Anand
For Respondents : Mr.T.Senthil Kumar,
Addl. Public Prosecutor for R1.

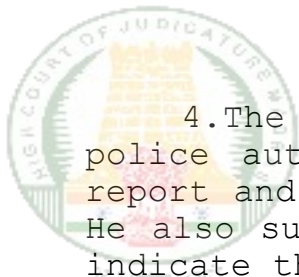
Mr.T.Lajapathi Roy for R2.

C O M M O N O R D E R

These criminal original petitions pertain to Crime No.142 of 2021 registered on the file of the Inspector of Police, Soolakarai Police Station, Virudhunagar District. One Banupriya working as police constable in West Police Station in Virudhunagar District died under unnatural circumstances on 20.08.2021. In this regard, a relative by name Kalaiselvi lodged a complaint alleging that she had been done to death. Hence, the case was registered for the offence under Section 302 of IPC. Chandrasekar, the father of the deceased has filed Crl.O.P.(MD)No.14497 of 2021 seeking transfer of investigation.

2.The learned counsel appearing for the father of the deceased submitted that investigation is not proceeding on the right lines. Even though a case of murder has been registered, the accused, who is none other the husband of the deceased has not been arrested till date. She would further contend that after the occurrence, the jurisdictional Deputy Superintendent of Police prevailed upon him to vacate the house in which Banupriya was found dead. The learned counsel also referred to a few other circumstances set out in Crl.O.P.(MD)No.14497 of 2021 to substantiate the petitioner's misgivings.

3.Vignesh, who is named as accused has filed Crl.O.P.(MD)No.16863 of 2021 for quashing the FIR. The learned counsel for Vignesh submitted that a case of suicide has been converted into one of murder without any basis. The body has been retrieved and postmortem has been done. It is obvious on the very face of it that Banupriya, wife of Vignesh committed suicide and it is not a case of murder. He therefore submitted that the FIR which has been registered for the offence under Section 302 of IPC has to be quashed.



4.The learned Additional Public Prosecutor appearing for the police authorities submitted that the police is awaiting viscera report and based on forensic opinion, further action will be taken. He also submitted that the initial features found on the dead body indicate that it is a case of suicide and not murder.

WEB COPY

5.I carefully considered the rival contentions and went through the materials on record. The prayer for quashing the FIR can certainly not be accepted. Of course, the case is registered for the offence under Section 302 of IPC but the materials gathered so far indicate that the deceased might have committed suicide by hanging herself. But on this score, the FIR cannot be quashed. This is for more than one reason. The learned Additional Public Prosecutor has expressed his tentative opinion and final opinion of the forensic doctor is still awaited. Even if it is concluded that Banupriya died due to suicide, if there is any material to show that Vignesh had abetted the commission of suicide, the police will have to file an alteration report and the case will thereafter be investigated for the offence under Section 306 of IPC. Hence, it is too early to come to any conclusion for terminating the investigation.

6.The deceased was a police constable. Therefore, the police will definitely take all earnest steps to get at the truth. There is absolutely no material to suspect that police are favouring Vignesh, the husband of the deceased. However, the conduct of some of the police personnel appears to have given rise to some legitimate misgivings in the mind of the father of the deceased. I have counselled the police personnel, who is present here to be more sensitive in the matter. It is also stated that then Deputy Superintendent of Police has since been transferred and a new Deputy Superintendent of Police has assumed charge. The investigation shall be monitored by the Deputy Superintendent of Police.

7.With these observations, Crl.O.P.(MD)No.14497 of 2021 is disposed of and Crl.O.P.(MD)No.16863 of 2021 is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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, the copy of the order that is presented is the correct

<https://hccservices.mca.gov.in/hccservices/>



copy, shall be the responsibility of the advocate/litigant concerned.

To:

- 1.The Director General of Police,
Government of Tamil Nadu,
O/o. Director General of Police,
Chennai.
- 2.The Additional Director of General of Police (Crime),
CBCID,
SIDCO Electronic Complex,
First Floor, Guindy,
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- 3.The Deputy Superintendent of Police CBCID,
O/o.Superintendent of Police CBCID,
Virudhunagar District,
Virudhungar.
- 4.The Superintendent of Police,
O/o. Superintendent of Police,
Virudhungar District,
Virudhungar.
- 5.The Inspector of Police,
Soolakarai Police Station,
Virudhungar District.
Virudhungar.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-34231[F] dated 12/11/2021)

Crl.O.P(MD)Nos.14497 and 16863 of 2021
11.11.2021

RD/PM (23.11.2021) 4P 8C