



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **09.12.2021**

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.20506 of 2021

and

W.M.P(MD)Nos.17142 & 17146 of 2021

S.Suman Anand

... Petitioner

Vs.

- 1.The State of Tamilnadu represented by
The Principal Secretary,
Department of Home,
State Secretariat, Fort.St.George,
Chennai 600 009.
- 2.The State of Tamilnadu represented by
The Principal Secretary to the Government,
Health and Family Welfare Department,
Fort St.George,
Chennai 600 009.
- 3.Tamilnadu State legal services authority represented by,
The Member Secretary,
Tamilnadu State Legal Services Authority,
High Court Campus Chennai,
Chennai.
- 4.The Director General of Police,
Office of the Director General of Police,
Dr.Radhakrishnan Salai,
Chennai - 600 004.
- 5.The Joint Director,
Central Bureau of Investigation,
Rajaji Bhavan,
Besant Nagar,
Chennai.
- 6.The Central Bureau of Investigation,
rep by Additional Superintendent of CBI,
No.73, Athikulam Main Road,
Reserve Line Post,
Madurai-625 014.



7.The District Collector,
Kanyakumari District.

8.The Superintendent of Police,
Kanyakumari District.

9.The Deputy Superintendant of Police,
Nagarcoil,
Kanyakumari District.

10.The Inspector of Police,
Bothapandi Police Station,
Kanyakumari District.

11.The Dean,
Madurai Rajaji Government Hospital,
Madurai.

12.The Dean,
Arasipalam Government Medical College Hospital,
Kanyakumari District.

... Respondents

Prayer: Writ Petition is filed under Article 226 Constitution of India, to issue a Writ of Mandamus, to direct the fourth respondent to withdraw the case FIR in Crime No.394 of 2021, on the file of Respondent No.10 and entrust the same to Respondent No.5 for conducting investigation, in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.P.Rathinam
For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor
for R1 to R4 and R7 to R12

Mrs.L.Victoria Gowri
Assistant Solicitor General of India
for R5 and R6

O R D E R

This writ petition has been filed seeking transfer of investigation. The petitioner is none other than the brother of deceased Suresh Kumar. They belong to Hindu Scheduled Caste Sambavar Community. The petitioner's brother was found dead on 08.11.2021. According to the petitioner, his brother was in love with a girl belonging to a dominant community. Since the proposed alliance was opposed by the girl's family, the petitioner suspected their involvement in the death of his brother. Crime No.395 of 2021 was registered on the file of Boothapandi Police Station for IPC



offences as well as under the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. The only question that falls for consideration is whether the investigation is proceeding on the right lines or whether it has to be transferred. On the last occasion, the Investigation Officer produced the CCTV footage. It indicated that the deceased was found going to a pesticide shop and making purchase. Thereafter, again he was found walking towards the spot, where he was found dead. The CCTV footages were also shared with the counsel for the petitioner. This material evidence, *prima facie*, indicates that the petitioner's brother committed suicide. Whether the suicide was abetted by others and whether other offences were committed is for the Investigation Officer to find out. Since I am more than satisfied that the investigation is proceeding on the right lines, it is not necessary to transfer the same from the file of the Investigation Officer or entrust the same in the hands of CBI. This writ petition stands dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar (CS I)

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/ /2021

Sub Assistant Registrar(CS)

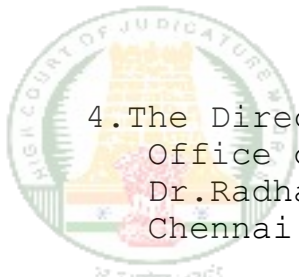
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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant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

To

- 1.The Principal Secretary,
State of Tamilnadu,
Department of Home,
State Secretariat, Fort.St.George,
Chennai 600 009.
- 2.The Principal Secretary to the Government,
State of Tamilnadu,
Health and Family Welfare Department,
Fort St.George,
Chennai 600 009.
- 3.The Member Secretary,
Tamilnadu State Legal Services Authority,
High Court Campus, Chennai.

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



4.The Director General of Police,
Office of the Director General of Police,
Dr.Radhakrishnan Salai,
Chennai - 600 004.

5.The District Collector,
Kanyakumari District.

6.The Superintendent of Police,
Kanyakumari District.

7.The Deputy Superintendant of Police,
Nagarcoil,
Kanyakumari District.

8.The Inspector of Police,
Bothapandi Police Station,
Kanyakumari District.

9.The Dean,
Madurai Rajaji Government Hospital,
Madurai.

10.The Dean,
Arasipalam Government Medical College Hospital,
Kanyakumari District.

11.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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and

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MGJ(22.12.2021) 4P 12C