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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2022

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THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P No.2256 of 2021

V.Chithirai Pandi ... Petitioner

Vs

1. The Commissioner of Police,
   Vepery, Chennai 600 007.

2. The State rep by
   The Inspector of Police,
   Pallikaranai Police Station,
   Pallikaranai 600 100. ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to transfer the Crime No.1512 of 2020 from the file of the 2nd respondent Police to the file of the CBCID or any other competent authority.

For Petitioners : Mr.D.Saikumaran

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The Criminal Original Petition has been filed to transfer the Crime NO.1512 of 2020 from the file of the 2nd respondent Police to the file of the CBCID or any other competent authority.

2.The case of the petitioner is that his son Palanivel Rajan was married to one Santhadevi. It is the further allegation that even prior to the marriage, the said Santhadevi had illicit intimacy with her brother-in-law Mohanram. When it was questioned by the petitioner's son, she along with her brother harassed the petitioner's son and also demanded a sum of Rs.10,00,000/- from the petitioner's son and attempted to grab the property belonging to the petitioner's son. While so, from 10.12.2020 till 20.12.2022, her relatives continuously approached and harassed the petitioner's son and compelled him

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to transfer the property in the name of Santhadevi. The petitioner's son unable to sustained the torture, called his sisters and informed them about the harassment. While so, on the same night, the petitioner received a call that the petitioner's son had committed suicide. When the petitioner came on the next day, he seen that the wife of the petitioner's son along with her relatives have removed the cash and valuables and have escaped from the house. However, based on the complaint given by the said Santhakumari, a case was registered under Section 174 Cr.P.C in respect of suspicious death. The petitioner had sent a representation to all the authorities with regard to the harassment meted out to his son by Santhadevi and her relatives. However, the respondent who is now conducting the investigation has not taken any steps to alter the case and take action against the persons, who are responsible for the death of his son. It is a clear case where the petitioner's son had earlier disclosed the harassment by his wife and her relatives to the petitioner and his sisters and only due to the harassment he had committed suicide. However, the case has not been altered so far. Since the investigation is not done fairly, the present petition has been filed seeking for a transfer.

3.The learned Additional Public Prosecutor would submit that based on the complaint given by the wife of the deceased that her husband was found hanging inside the room, a case was registered under Section 174 Cr.P.C. The body was immediately sent for postmortem and the Doctor who conducted postmortem had given an opinion that the deceased would appear to have died of 'asphyxia' due to suicidal hanging. He would further submit that the 2nd respondent has duly conducted the investigation in accordance with law. The sisters of the deceased have also been examined and their statements are also recorded. He would further submit that based on further investigation, the case will be appropriately altered in accordance with law.

4.Having gone to the records, it is of the opinion that there is no necessity to transfer the investigation. However in view of the apprehension made by the petitioner, a direction is issued to the Assistant Commissioner of Police, Selaiyur, to monitor the investigation conducted by the 2nd respondent and the 2nd respondent shall complete the trial as expeditiously as possible and file a final report preferably within a period of four months from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar(CS VIII)

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Sub Assistant Registrar

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To

1. The Commissioner of Police,
   Vepery, Chennai 600 007.

2. The Inspector of Police,
   Pallikaranai Police Station,
   Pallikaranai 600 100.

3. The Public Prosecutor,
   Madras High Court, Madras.

+1cc to Mr.D.Saikumaran, Advocate, S.R.No.19952

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NSK 08/04/2022

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