



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.OP.Nos.3833 and 3925 of 2022

Chitra ... Petitioner in Both Crl.O.P's

Vs.

1. The Superintendent of Police,
Cuddalore District,
Cuddalore.
2. The Deputy Superintendent of Police,
Panruti,
Cuddalore District,
3. The Inspector of Police,
Mangalampet Police Station,
Cuddalore,
Cuddalore District. ... Respondents in Both Crl.O.P's

PRAYER in Crl.O.P.No.3833 of 2022: The Criminal Original Petition filed under Section 482 of Code of Criminal Procedure pleased to direct the respondents to issue lookout notice against the accused namely 1.Geetha, W/o.Velmurugan, 2.Velmurugan, S/o.Late.Subramani in connection with the case in Crime No.24 of 2022 dated 06.01.2022 on the file of the third respondent based on the petitioner's complaint dated 24.01.2022.

PRAYER in Crl.O.P.No.3925 of 2022: The Criminal Original Petition filed under Section 482 of Code of Criminal Procedure pleased to direct the respondents to alter the offence as u/s 302 IPC in Cr.No.24 of 2022 dated 06.01.2022 on the file of the third respondent.

For Petitioner : Mr.V.Elangovan
in Both Crl.O.P's

For Respondents : Mr.A.Gokulakrishnan
in Both Crl.O.P's Additional Public Prosecutor



COMMON ORDER

The petition in CrI.O.P.No.3925 of 2022 has been filed to direct the respondents to issue lookout notice against the accused namely 1.Geetha, W/o.Velmurugan, 2.Velmurugan, S/o.Late.Subramani in connection with the case in Crime No.24 of 2022 dated 06.01.2022 on the file of the third respondent based on the petitioner's complaint dated 24.01.2022.

The petition in CrI.O.P.No.3833 of 2022 has been filed to direct the respondents to alter the offence as u/s 302 IPC in Cr.No.24 of 2022 dated 06.01.2022 on the file of the third respondent.

2. The case of the petitioner is that her neighbour one Kolanjiammal and her husband Subramani were murdered by poisoning by their own daughter-in-law. Unfortunately, one of the petitioner's children Nitheeswaran, who consumed the food offered by Kolanjiammal also died. The Doctors, who treated the son of the petitioner had given opinion that the death was due to poisoning. The fact remains that that son of the Kolanjiammal and Subramani was employed abroad and his wife Geetha, who was living with her in-laws, had developed illicit intimacy with someone and since it is came to be known to her parents-in-law, she had committed the murder by adding poison in their food. Based on the complaint given by the son of the deceased, a case in Crime No.24 of 2022 was registered by the third respondent for offences under Section 174 of Cr.P.C. The petitioner coming to know that it is a clear case of murder by poison, had sent a representation to the respondents to alter the case for offences under Section 302 of IPC and to arrest the said Geetha for having committed murder by poisoning. Whereas, no action has been taken by the respondent so far. The father of the said Geetha is a retired Police personnel and he is interfering in the investigation and attempting to protect his daughter Geetha in the murder case. Meanwhile, since the said Geetha is taking steps to leave the country, the petitioner had also requested the respondents to issue look out notice against the said Geetha and her husband Velmurugan.

3. Mr.V.Elangovan, learned counsel appearing for the petitioner would submit that it is a clear case of murder by poisoning. The suspect Geetha, due to her illicit intimacy, being known to her in-laws, had added poison to their food and the petitioner's son, who unknowingly consumed it, had also passed away. The Doctors, who treated the son of the petitioner have given an opinion that the death was due to poisoning. The respondents have registered a case only for the offences under



Section 174 of Cr.P.C., and the respondents, despite categoric materials available to prove that it is a case of murder, have not altered the case so far and not proceeding with the investigation in a proper manner due to extraneous intervention. The suspect Geetha's father is a retired Police personnel and he is taking steps to protect his daughter and thereby deviating the investigation.

4. Mr.A.Gokulakrishnan, learned Additional Public Prosecutor would submit that the said Kolanjiammal, Subramani and the child of the petitioner died in suspicious circumstances. The respondent has registered a case in Crime No. 24 of 2022 under Section 174 of Cr.P.C., based on the complaint given by Velmurugan, who is the son of the deceased Kolanjiammal and Subramani. He would further submit that the respondents are awaiting report from the Forensic Lab and opinion of the Medical and Forensic expert. Based on the reports, the respondent will proceed further in the investigation. He would also submit that based on the representation given by the petitioner, suspecting the daughter-in-law of the deceased and her son/Velmurugan of the deceased Kolanjiammal and Subramani, the respondents have seized their passport. Hence, there is no need for the third respondent to initiate proceedings for issuing a lookout circular against the suspected persons. He would further submit that the investigation is being done in a discreet manner. The respondents are taking every endeavor to bring out the truth by proper investigation. He would further submit that the respondents are unable to disclose more details at this juncture. He would further submit that after obtaining the opinion of the Forensic and Medical experts, the respondents will take appropriate steps to alter the offence in this case and proceed in accordance with law.

5. Heard the learned counsel and perused the materials available on record.

6. As per the respondents, the investigation is at the initial stage. It is submitted by the learned Additional Public Prosecutor that based on the opinion of the Forensic and Medical experts, appropriate action will be taken. It is also stated that the Passports of the suspected accused Velmurugan are also seized and they are now in the custody of the respondents.

7. Recording the same, the petitions stand disposed of. However, direction is issued to the first respondent to proceed in accordance with law and the second respondent is directed to



WEB COPY

monitor the investigation and see to that the investigation is completed soon and the final report is filed at the earliest.

Sd/-

Assistant Registrar (CS-II)

//True copy//

Sub Assistant Registrar

rgi/ham

To

1. The Superintendent of Police,
Cuddalore District,
Cuddalore.
2. The Deputy Superintendent of Police,
Panruti,
Cuddalore District,
3. The Inspector of Police,
Mangalampet Police Station,
Cuddalore,
Cuddalore District.
4. The Public Prosecutor,
High Court, Madras.

+2ccs to Mr.S.Doraisamy, Advocate SR.No.11726, 11727

Crl.O.P.Nos. 3833 and 3925 of 2022

MT (CO)

GMV (10/03/2022)