



Crl.O.P.No.3980 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 19.10.2022

PRONOUNCED ON : 31.10.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.O.P.No.3980 of 2022

and

Crl.M.P.No.1940 of 2022

Latha Arivudainambi

... Petitioner

/vs/

1. The Superintendent of Police,
Office of the Superintendent of Police,
Mayiladuturai, Mayiladuthurai District.

2. The Inspector of Police,
CBCID, Puthur,
Nagapattinam District.

3. The Inspector of Police,
Sembanar Kovil Police Station,
Mayiladuthurai District
(Crime No.654 of 2021)

... Respondents

Prayer : This Criminal Original Petition has been filed under Section 482 of Cr.P.C. to transfer the above case in Crime No.654 of 2021 from the file of the Inspector of Police, Sembanarkovil Police Station, Mayiladuthurai



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District, to the file of the Inspector of Police, CBCID, Puthur, Nagapattinam, Nagapattina District or to any other investigating agency having competent jurisdiction to investigate the matter for proper investigation and report.

For Petitioner	...	Mr. S. Arivazhagan
For Respondents	...	Mr. E. Raj Thilak, Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to transfer the investigation in Crime No.654 of 2021 from the 3rd respondent police to the 2nd respondent CBCID.

2. The learned counsel appearing for the petitioner submitted that petitioner's husband, namely, Arivudainambi was working as Secretary in the Primary Agricultural Co-operative Society at Sembanarkovil. On 16.07.2021, her husband went to his office in good health. Thereafter, one Balan, came to her house and informed that one body was found place with burned injuries and asked her to identify. She immediately went to the spot



and identified the body as that of her husband. Thereafter, she gave a complaint and based upon her complaint, a case in Crime No.654 of 2021 was registered on 16.07.2021 under suspicious death under Section 174 Cr.P.C.

3. The learned counsel further submitted that the 3rd respondent, namely, Inspector of Police, Sembanar Kovil Police Station, is not properly investigating the case and not examining the witnesses and there is possibility of destroying the evidences. The petitioner is suspecting that the cause of death of her husband was by some third persons. Hence, seeking a direction to transfer the investigation of the case in Crime No.654 of 2021 on the file of the 3rd respondent police to the file of the 2nd respondent CBCID, Puthur.

4. The learned Additional Public Prosecutor appearing for the respondents submitted that the investigation is in a right direction. The deceased Arivudainambi was working as Secretary in the Primary Agricultural Co-operative Society at Sembanarkovil. During the audit in



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the accounts of the society, they found shortage of cash of Rs.3,78,661/- , deficit of fertilizer worth about Rs.42,008/- and also reported missing of gold jewels from the locker of the society.

5. The learned Additional Public Prosecutor further submitted that in the CCTV footage of the Society, it was recorded that the deceased was going towards the scene of occurrence with a bottle. The Post-Mortem report also reveals that it is a suicide and in the Vizra Report, there is no content of alcohol or poison content. The statement of the witnesses under Section 161 Cr.P.C. were recorded and there is no reason to transfer the investigation to some other agency since in this case almost all the witnesses have been examined and now, awaiting for Forensic Report and thereafter, final report will be filed.

6. I have considered the matter in the light of the submissions made by the learned counsel for both the parties.



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7. On a perusal of the records, it is seen that the petitioner's husband Arivudainambi was working as Secretary in the Primary Agricultural Co-operative Society, at Sembanarkoil . On 16.07.2021, he went to office and thereafter, the occurrence took place. One Balan informed about the body of the deceased, which was found at the backside of the Society building and asked her to identify the body . Thereafter, she went to the spot and identified the body as that of her husband. There was a problem in his office with regard to shortage of cash , deficit of fertilizer worth about Rs.42,008/- and one bag of gold jewels were also found missing from the locker of the society. Apart from that CCTV footage from the Society was also collected by the investigating officer, in which, it was recorded that the deceased was going with bottle in his hand towards the scene of occurrence and the Post-Mortem certificate also reveals that the death of the deceased was due to burn injuries. The police in their status report stated that the statement of the witnesses were recorded, the Post-Mortem certificate and Visra report were also obtained, Observation Mahazar was also prepared and the investigation is in progress. Hence, there is no material to suspect the fair investigation. Under these circumstances, I find



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no reason for transferring the investigation of the case in Crime No.654 of 2021 on the file of the 3rd respondent, viz., Inspector of Police, Sembanar Kovil Police Station, Mayladuthurai District to the 2nd respondent, viz., the Inspector of Police, CBCID, Puthur. I find no merit in the contention of the petitioner and hence, this petition is liable to be dismissed.

8. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

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mrp

Index : yes/no

Internet ; Yes/no

To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Mayiladuturai, Mayiladuthurai District.
2. The Inspector of Police,
CBCID, Puthur,
Nagapattinam District.
3. The Inspector of Police,
Sembanar Kovil Police Station,
Mayladuthrai District
4. The Public Prosecutor,
High Court, Madras.



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V.SIVAGNANAM ,J.

mrp

Pre-Delivery Order
in
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