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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2022

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.6116 of 2022

Erusappan

... Petitioner

Vs.

1.The State Represented by
The Superintendent of Police,
O/o.The Superintendent of Police,
Kallakurichi.

2.The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
Ulundurpet,
Kallakurichi District.

3.The Inspector of Police,
Ulundurpet Police Station,
Kallakurichi.

(Crime No.699 of 2021)

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the first and second respondents to transfer the investigation pending in Crime No.699 of 2021 on the file of the third respondent to any other investigating agency.

For Petitioner : Mr.R.Dilli Kumar

For Respondents : Mr.V.Meganathan,
Government Advocate (Criminal side)

O R D E R

This Criminal Original Petition has been filed to direct the first and second respondents to transfer the investigation pending in Crime No.699 of 2021 on the file of the third respondent to any other investigating agency.

2.The learned counsel for the petitioner would submit that the petitioner's daughter pushpa was earlier married and she was separated from her husband and living with the petitioner. While so, she was found dead in a suspicion circumstance inside the



hut. The petitioner suspected one Rasu, who is a married man and living nearby. However, the respondents have registered a case in Crime No.699 of 2021 for the offence under Section 174 of Cr.P.C. They have not conducted investigation in a proper manner and thereby the present petition has been filed seeking to transfer the investigation.

3. When the matter is taken up for hearing, Mr.V.Meganathan, learned Government Advocate (crl.side) would submit that the petitioner's daughter pushpa was aged about 40 years and she was found dead in suspicion circumstances inside the hut. The respondent sent the body for postmortem. After the completion of postmortem, doctor had opined that "The Deceased would appear to have died of Asphyxia due to hanging; However, final opinion reserved pending report of chemical analysis of Viscera". The learned Government Advocate (Crl.side) would further submit that the investigation is done in a fair manner and the preliminary investigation reveals that the victim had affair with the said Rasu. Since the petitioner had reprimanded the victim, she had committed suicide by hanging herself.

4. Heard both sides and perused the materials available on record.

5. Taking into consideration the facts and circumstances of this case, direction is issued to the Deputy Superintendent of Police, Ulunthurpet to monitor the investigation done by the third respondent.

6. With the above direction, this Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

shk/sai

To

1. The State Represented by
The Superintendent of Police,
O/o. The Superintendent of Police,
Kallakurichi.
2. The Deputy Superintendent of Police,
O/o. The Deputy Superintendent of Police,
Ulundurpet,
Kallakurichi District.



3.The Inspector of Police,
Ulundurpet Police Station,
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4.The Public Prosecutor,
High Court of Madras.

+2cc to Mr.R.Dillikumar, Advocate, S.R.No.18260, 17992

Cr1.O.P.No.6116 of 2022

MT(CO)
SB(07/04/2022)