



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

W.P.No.7195 of 2022
and
W.M.P.No.7220 of 2022

A.Alaguvel

... Petitioner

Vs.

- 1.The State represented by,
The Home Secretary,
The Secretariat,
Chennai - 600 001.
- 2.The Director General of Police,
Mylapore,
Chennai.
- 3.The Inspector General of Police,
Salem,
Salem District.
- 4.The Superintendent of Police,
Salem,
Salem District.
- 5.The Inspector of Police,
Veeraganoor Police Station,
Salem District.
- 6.Murugesan
- 7.Dinesh
- 8.Kavitha
- 9.Ramu
- 10.Mani
- 11.Samuvel @ Kudil Jim Samuvel



12.Vimal

13.Rajavel

14.Mala Sekar

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleaded to issue a Writ of Mandamus or any other in the nature of writ, to direct respondents 1 and 2 to form special investigation team to investigate the circumstance in which F.I.R in Crime No.169 of 2021 on the file of the 5th respondent was registered against the Petitioner and take action against me those responsible for fabricating false evidence and initiating the illegal criminal proceedings against the Petitioner pursuant to the petitioner representation dated 03.02.2022.

For Petitioner : Mr.R.Thirumoorthy

For Respondents: Mr.A.Gokulakrishnan
Additional Public Prosecutor.

O R D E R

The Writ Petition has been filed to direct the respondents 1 and 2 to form special investigation team to investigate the circumstance in which F.I.R in Crime No.169 of 2021 on the file of the 5th respondent was registered against the petitioner and take action against those responsible for fabricating false evidence and initiating the illegal criminal proceedings against him, pursuant to the petitioner's representation dated 03.02.2022.

2. Learned counsel for the petitioner would submit that the petitioner is an accused in Crime No.169 of 2021 registered by the fifth respondent for the offence under Section 302 IPC. The allegation as per the Investigation Officer/R5 is that the petitioner had committed the murder of his wife Chitra. He would further submit that the petitioner is running a screen printing business and he had married one Chitra, his sister's daughter, 25 years ago and out of the wedlock, two male children were born to him and they are pursuing their engineering degree. The petitioner's wife was working at the SBI Seva Centre at Navalur.



3. Learned counsel would further submit that the petitioner, during the year 2002 had developed intimacy with one Kavitha/R8 herein, and later they got married and they also have one male child. Only, after some time, the petitioner came to know that Kavitha was already a married woman and thereby, they got separated. The said Kavitha is presently working as Head Constable in fifth respondent police station. The further case of the petitioner is that the said Kavitha in order to take revenge had instigated R11 to R14 and committed murder of the petitioner's first wife Chitra and they have falsely implicated the petitioner in this case. Then the petitioner was arrested and when he had come out of bail, he came to know about the false implication, by influence of Kavitha and thereby, he had sent a representation to the authorities to form a special team to conduct further investigation in this case to find out the real culprit.

4. Learned counsel would further submit that though the writ petition has been filed with a composite prayer, he would restrict his claim to direct the Superintendent of Police, Salem District/R4 to consider the petitioner's representation dated 03.02.2022 and pass orders in accordance with law.

5. Per contra, the learned Additional Public Prosecutor appearing for the respondents would submit that the petitioner was married to one Chitra before 25 years. As per the prosecution, the petitioner suspected that his wife Chitra developed intimacy with one Velumani and that he had earlier threatened said Velumani and on the fateful day, the petitioner had seen his wife Chitra speaking with the said Velumani and enraged by the same, the petitioner had committed the murder of his wife. The incident has been witnessed by the said Velumani, however, he had not preferred any complaint immediately fearing exposure of his relationship. However, the case was registered by the fifth respondent based on the complaint given by the father of the victim Chitra.

6. He would also submit that during the course of investigation, the fifth respondent came to know that the paramour of Chitra, Velumani was a witness to the occurrence and the said Velumani had also given a statement under Section 164 before the learned Judicial Magistrate-I, Attur stating that he had witnessed the occurrence. He would further submit that the investigation has been done in a fair manner and it is not a case of false implication. He would further submit that Kavitha/R8, second wife of the petitioner is also working in some other station and not in the station of fifth respondent.



He would also submit that the representation has been sent only to mislead the course of investigation.

7. Taking into consideration the submissions made by the counsel and also the restricted prayer of the petitioner to consider the representation dated 03.03.2022, a direction is issued to the fourth respondent to consider and pass orders on the representation dated 03.03.2022 within two weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the merits of the case. It is left open to the fourth respondent to consider and pass orders in accordance with law on its own merits.

8. Accordingly, the Writ Petition stands disposed of with the above directions. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

ham/rgi

To

1. The Home Secretary,
Government of Tamil Nadu,
Secretariat,
Chennai - 600 001.
2. The Director General of Police,
Mylapore,
Chennai.
3. The Inspector General of Police,
Salem,
Salem District.
4. The Superintendent of Police,
Salem,
Salem District.



5. The Inspector of Police,
Veeraganoor Police Station,
Salem District.

WEB COPY

6. The Public Prosecutor,
High Court of Madras.

Copy to

The Judicial Magistrate-I,
Attur.

W.P.No.7195 of 2022
and
W.M.P.No.7220 of 2022

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srg 19/04/2022