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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2022

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THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.9014 of 2022

Arunachalam

... Petitioner

Vs.

1. The Superintendent of Police,  
Nagappattinam District,  
Nagappattinam.

2. The Inspector of Police,  
Voimedu Police Station,  
Vedaranyam Taluk,  
Nagappattinam District.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., pleaded to direct the 1<sup>st</sup> respondent to transfer the investigation in Cr.No.39 of 2022 which is pending before the 2<sup>nd</sup> respondent to any other investigating officer not below the rank of Inspector under the supervision of the Deputy Superintendent of Police, Vedaranyam and complete the investigation by taking appropriate action against the accused persons and file the final report within a stipulated time frame fixed by this Court.

For Petitioner : Mr.V.Kasinatha Bharathi

For Respondents : Mr.A.Gokulakrishnan  
Additional Public Prosecutor

O R D E R

The Criminal Original Petition has been filed seeking to direct the 1<sup>st</sup> respondent to transfer the investigation in Cr.No.39 of 2022, which is pending on the file of the 2<sup>nd</sup> respondent to any other investigating officer not below the rank of Inspector under the supervision of the Deputy Superintendent of Police, Vedaranyam and complete the investigation by taking appropriate action against the accused persons and file the final report within a stipulated time frame fixed by this Court.



2. Learned counsel appearing for the petitioner would submit that the petitioner's mother-in-law one Bhavani, who is aged 75 years, is the second wife of one Vadivelu. The said Vadivelu was earlier married to one Panchakalyani and out of their wedlock, he had three children viz., Valarmathi, Kalaiselvi and Ezhilarasan. The petitioner's mother-in-law was taking care of the step children as her own children. The petitioner's mother-in-law and father-in-law were living in a separate house.

3. He would further submit that after the death of the petitioner's father-in-law, the step son viz., Ezhilarasan along with his henchmen humiliated and harassed the petitioner's mother-in-law and had illegally attempted to evict her from the house. Unable to bear the harassment and torture, the petitioner's mother-in-law had earlier given a complaint to the respondent police on 26.01.2022. Since, the respondent police did not take any action on the complaint, it had emboldened the said Ezhilarasan and his henchmen.

4. He would also submit that on 11.01.2022, the said Ezhilarasan along with his wife Kavitha and his henchmen had illegally evicted the petitioner's mother-in-law from the house and humiliated and ill treated her in an inhuman manner. Unable to bear the harassment, the petitioner's mother-in-law consumed poison and she was taken to the Government Hospital, Vedaranyam and subsequently, she was referred to the Government Medical College Hospital at Tiruvarur on the same day i.e., on 11.02.2022 and on intimation from the hospital, the respondent police visited the hospital and had taken statement of the petitioner's mother-in-law while she was alive. However, the respondent police did not take any action, the petitioner had approached the Deputy Superintendent of Police, Vedaranyam and the general public also organized an agitation at Thennadar on 12.02.2022.

5. Thereafter, on the instructions of the Deputy Superintendent of Police, Vedaranyam, a case was registered in Crime No.39 of 2022 against Ezhilarasan, his wife Kavitha and his associates for offences under Section 294(b), 323, 448, 427 and 506(ii) of IPC. For the reasons best known, the 2<sup>nd</sup> respondent did not include the name of one Bandarinathan, who had played the key role in the offence and who was responsible for consumption of poison by the mother-in-law of the petitioner. Meanwhile, the petitioner's mother-in-law, while in treatment, passed away on 17.02.2022. Thereafter, the 2<sup>nd</sup> respondent has altered the FIR by adding Section 360 of IPC. Subsequently, there is not progress in the investigation.



6. He would further reiterate that the accused had approached this Court seeking for anticipatory bail in Crl.O.P.No.4465 of 2022 and the same was dismissed on 01.03.2022 and once again they had approached this Court seeking for anticipatory bail in Crl.O.P.No.6960 of 2022 and that was also dismissed on 31.03.2022. Despite the dismissal of the anticipatory bail applications, the respondent police is not taking any action to secure the accused and proceed with the investigation in the proper manner. Thereby, the present petition seeking to transfer the investigation to some other investigation officer has been filed.

7. Learned Additional Public Prosecutor would submit that main accused in this case is the step son of the deceased and on the statement recorded from the victim, a case in Crime No.39 of 2022 was registered for offences under Sections 294(b), 323, 448, 427 and 506(ii) of IPC. Subsequently, the victim had passed away on 17.02.2022 and thereby, the case has been altered to one under Section 306 of IPC. He would further submit that the respondents are fairly conducting the investigation and also taking steps to secure the accused. He would also submit that the accused had approached this Court seeking for anticipatory bail twice and both the applications have been dismissed by this Court. He would also reiterate that the investigation is being done in the proper manner.

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

9. In view of the above, this Court is of the opinion that this petition does not require transfer of investigation. Accordingly, this Criminal Original Petition stands disposed of. However, the Deputy Superintendent of Police, Vedaranyam is directed to monitor the investigation done by the 2<sup>nd</sup> respondent in Crime No.39 of 2022 and the final report shall be filed as expeditiously as possible preferably within a period of four months from the date of receipt of a copy of this order.

SD/-  
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR



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To

WEB COPY

1. The Superintendent of Police,  
Nagappattinam District,  
Nagappattinam.
2. The Deputy Superintendent of Police,  
Vedaranyam.
3. The Inspector of Police,  
Voimedu Police Station,  
Vedaranyam Taluk,  
Nagappattinam District.
4. The Public Prosecutor,  
High Court of Madras.

+2cc to Mr.V.Kasinatha Bharathi, Advocate Sr.27426

Crl.O.P.No.9014 of 2022

kk[co]  
srg 04/05/2022