



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2022

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.No.9862 of 2019
and
Crl.M.P.No.5141 of 2019

G.S.Arumukham

... Petitioner

Vs.

1. The State represented by
The Inspector of Police,
Vedaranyam Police Station,
Crime No.300 of 2018,
Nagapattinam District.

2. The Deputy Superintendent of Police,
Vedaranyam Division,
Vedaranyam,
Nagapattinam District.

... Respondents

PRAYER: Criminal Original Petition had been filed under Section 482 of Cr.P.C, praying to withdraw the case in Crime No.300 of 2018 from the file of the First Respondent investigated by the Second Respondent and transfer the same to the file of the CB-CID (Crime Branch-Criminal Investigation Department).

For Petitioner	: Mr. S.Suresh
For Respondents	: Mr. S.Vinoth Kumar Government Advocate (Crl. Side)

ORDER

This Petition had been filed to withdraw the case in Crime No.300 of 2018 from the file of the First Respondent investigated by the Second Respondent and transfer the same to the file of the CB-CID (Crime Branch-Criminal Investigation Department).

2.The learned Counsel for the Petitioner submitted that this is a shocking instance of a newly married woman alleged to have been murdered as per the complaint of the parents of the deceased woman. It is the submission of the learned Counsel for the Petitioner that after marriage, she had delivered twins and within three months after her delivery, she is alleged to have



died. The learned Counsel for the Petitioner invited the attention of this Court to the Executive Magistrates Inquiry Report which is mandatory one regarding the suspicious death of the newly married woman within seven years from the date of her marriage.

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3. Further, the learned Counsel for the Petitioner submitted that this Petition had been filed by the maternal uncle of the deceased woman, who is a retired Judge. It is to be noted that the learned Counsel for the Petitioner also drawn the attention of this Court to the circumstances under which the deceased died. There had been statements from those who were in contact with the deceased when she was alive and those people who had stated that she was tortured and suffered bleeding injuries in the hands of her in-laws.

4. After completing the inquiry by the Executive Magistrate, he had opined that from what had been collected during inquiry he has come to the conclusion that the deceased woman was subjected to torture in the matrimonial home by the in-laws. Therefore, he had advised the Police for a detailed investigation attracting the offenses under IPC. Further, the learned Counsel for the Petitioner invited the attention of this Court regarding the statement of the Doctor given to the Executive Magistrate i.e., on the date of the alleged occurrence, a woman aged about 30 was brought to the Government Hospital, Vedaranyam, where a duty Doctor went to the woman who was not having any actions. On his examination, he found that the woman was already dead. Therefore, he left it and directed the persons, who accompanied the deceased woman, to report it to the Doctors concerned for post-mortem. After his routine duty, when he returned to the table where the deceased woman was seen, he found that body of the deceased woman and the relatives of the deceased woman, were not present. This is the statement of the duty Doctor at Vedaranyam Government Hospital. Based on which, the Executive Magistrate had opined that it appears to be a death due to torture in the matrimonial home.

5. The Deputy Superintendent of Police, who conducted the investigation, had given an alteration report invoking Sections 498(A), 201 & 202 of IPC stating that at this length of time the prosecution may not be able to prove the offence under Section 302 of IPC before the Trial Court. Further, the learned Counsel for the Petitioner submitted that based on those developments, the maternal uncle, who is a retired Judge, had appeared before this Court by filing this Criminal Original Petition and at the stage of admission, this Court had passed an order of Interim Stay of the investigation. Subsequently, using the political influence of the husband of the deceased woman, they had influenced the Investigation Officer violating the stay,



investigation was completed and final report was laid before the learned Judicial Magistrate, Vedaranyam. Subsequently, when this case came up for hearing on 19.11.2020, this Court had observed that in spite of the stay granted by this Court the action of the Investigation Officer in hurrying with the investigation and laying of the final report before the Court of learned Judicial Magistrate is found to be disobeying the order of this Court and sought for clarification from the learned Government Advocate and the case was adjourned subsequently.

6.The learned Government Advocate (Criminal Side) appearing on behalf of the Prosecution would submit that investigation having been completed and final report also filed before the Court of the learned Judicial Magistrate, Vedaranyam, learned Judicial Magistrate having taken cognizance of the same, numbered it as PRC No.2 of 2020, this petition may be dismissed as not maintainable.

7.On a query regarding the office of the CB-CID and its territorial jurisdiction over the area concerned i.e., Nagapattinam, the learned Government Advocate (Crl. Side), submitted that the CB-CID, Trichy, at Thanjavur, has the jurisdiction over Nagapattinam and IG of CB-CID Police, may be directed to nominate an officer not below the rank of DSP to investigate the matter.

8.On perusal of the submission of the learned Counsel for the Petitioner and materials furnished by him along with the typed set of papers, it gives a presumption that what had been argued by the Petitioner is found acceptable and reasonable in the facts and circumstances as gathered from the records. This petition had been filed by the maternal uncle of the deceased woman, who was newly married and who died within 7 years from the date of marriage. Therefore, it gives an adverse inference to the Court against the in-laws of the deceased woman.

9.Further, as per the submission of the learned Counsel for the Petitioner, even though before arrival of the parents of the deceased woman, the body of the deceased woman was cremated, the evidence was lost. Still the investigation can be proceeded regarding the averments in the petition. Therefore, since the offence attracted death of the newly married woman within 7 years from the date of marriage and the circumstances as pointed out by the learned Counsel for the Petitioner, even though the learned Judicial Magistrate, Vedaranyam, had taken cognizance of the final report, the case is to be investigated afresh by an Officer not below the rank of the Deputy Superintendent of Police, CB-CID, Trichy, after filing appropriate petition before the Court of the learned Judicial Magistrate, Vedaranyam, through the Assistant Public Prosecutor who appears for the



Crime Branch and CBCID cases at Nagapattinam or at Trichy seeking permission of the Court for filing additional charge sheet.

10. Further, in the light of the report of the learned Executive Magistrate, who had collected the material statements from those who were in contact with the deceased women till her death. The incriminating facts against the Accused/in-laws of the deceased women had been stated in their statements. Under those circumstances, based on the materials placed before this Court by the maternal uncle of the deceased women, the Deputy Superintendent of Police shall continue with his investigation based on the statements recorded by the learned Executive Magistrate and within his powers as an Investigation Officer to further probe regarding the death of the newly married woman within 7 years from the date of her marriage, and the conduct of in-laws of the deceased having brought the unconscious woman at the Government Hospital, Vedaranyam, where the Doctor has examined and found that the woman brought was already dead and directed the relatives to bring the body of the deceased woman to the mortuary for conduct of autopsy. In the meanwhile, the relatives had removed the body in haste and even before the arrival of the parents of the deceased woman, they had performed the funeral of the deceased woman, thereby losing the valuable evidence regarding the death of the young woman.

11. In the light of the above discussion, when at the stage of admission of this Criminal Original Petition, this Court had stayed the investigation till the disposal of this Criminal Original Petition. The conduct of the Deputy Superintendent of Police, Vedaranyam, in rushing up the investigation and laying of the final report before the Court of the learned Judicial Magistrate, Vedaranyam, is found to be attracting contempt of Court. Therefore, the Director General of Police is directed to proceed with the disciplinary action against the Deputy Superintendent of Police, Vedaranyam, who violated the orders of this Court staying the investigation. This Court further directs the Inspector General of CB-CID, Trichy, to nominate an officer not below the rank of Deputy Superintendent of Police to investigate the matter afresh based on the materials available and an additional Charge Sheet shall be filed before the Court of the learned Judicial Magistrate, Vedaranyam or the Court of the competent jurisdiction where the CB-CID cases lie, within a reasonable period of 6 months from the date of receipt of a copy of this order. As already final report was filed before the learned Judicial Magistrate, Vedaranyam, the learned Judicial Magistrate, Vedaranyam, is directed not to commit the case till additional charge sheet is filed by CB-CID.



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12. With the above directions, this Petition is disposed of.
Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

sha/srm

To:-

1. The Additional Chief Secretary,
Home Department, Government of Tamil Nadu,
Fort St. George, Chennai - 600 009.
2. The Director General of Police, Chennai.
- 3 The Inspector General of Police, Central Zone, Trichy.
4. The Judicial Magistrate, Vedaranyam.
5. The Inspector General of Police, CB-CID, Trichy,
6. The Public Prosecutor, High Court of Madras.
7. The Government Advocate (Crl. Side), High Court of Madras.
8. The Inspector of Police,
Vedaranyam Police Station,
Crime No.300 of 2018,
Nagapattinam District.
9. The Deputy Superintendent of Police,
Vedaranyam Division,
Vedaranyam,
Nagapattinam District.

+1cc to Mr. S.Suresh, Advocate, S.R.No.30255

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RSV(CO)
CT 26/05/2022