



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.04.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.1206 of 2021

and

WMP(MD)No.1035 of 2021

R.Manoj Kumar

... Petitioner

Vs.

1. The State of Tamilnadu,
Rep.by its Principal Secretary,
Department of Home,
Secretariat,
Chennai - 600 009.
2. The Director General of Police,
(Law & Order),
Tamilnadu Police Head Quarters,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai - 600 004.
3. The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
4. The Inspector of Police,
Krishnan Kovil Police Station,
Kunnur Post, Srivilliputtur,
Virudhunagar District.
5. Sivalinga Sekar
6. Baskar

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a writ of Mandamus or any other appropriate writ to direct the 2nd respondent to transfer the investigation in Crime No.786 of 2020 from the file of the 4th respondent to the CBCID police to investigate the matter in a free and fair manner to find out the real accused and to forbear the 5th respondent from investigation the case in Crime No.786 of 2020 on the file of the 4th respondent police and to forbear the 6th respondent from interfering into the investigation in Crime No.786/2022 on the file of the 4th respondent without any orders from his superiors and to order for a detailed enquiry as against the 5th and 6th



respondent for their custodial torture by considering the petitioner's written representation dated 25.11.2020.

For Petitioner : Mr.R.Karunanidhi for
Mr.SM.Anantha Murugan

For R1 - R4 : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)

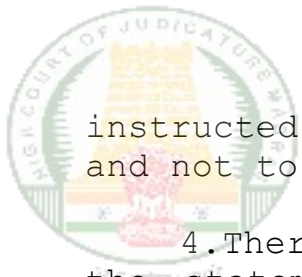
ORDER

This Writ Petition has been filed to direct the second respondent to transfer the investigation in Crime No.786 of 2020 from the file of the fourth respondent to CBCID police to investigate the matter in a free and fair manner to find out the real accused and to forbear the 5th respondent from investigating the case in Crime No.786 of 2020 on the file of the 4th respondent police and to forbear the 6th respondent from interfering into the investigation in Crime No.786 of 2022 on the file of the 4th respondent without any orders from his superiors and to order for a detailed enquiry as against the 5th and 6th respondents for their custodial torture by considering the petitioner's written representation, dated 25.11.2020.

2.The petitioner's father was brutally murdered and on the complaint lodged by the petitioner's brother, the 4th respondent registered the FIR in Cr.No.786 of 2020 for the offence under Section 302 IPC. The petitioner, who is being one of the son, was taken to the police station and was detained for two days illegally. Thereafter, he was released and admitted in the hospital. Now the petitioner apprehends that he will be arrayed as an accused in the present case.

3.The fourth respondent has filed a counter and revealed that on 13.11.2020, the brother of the petitioner lodged a complaint alleging that he is running an optical shop in the name and style of 'Aarth Optical' at Srivilliputhur. His father was having an agricultural land to the extent of 3 ½ acres at Kunoor Village. He cultivated the same and also he had house and goats. He used to stay in the farm house to safeguard his cattle in the night hours. While being so, on 12.11.2020, he was sleeping in the farm house and he was found dead and the same was informed by an employee and hence they registered the FIR in Cr.No.786 of 2020 for the offence under Section 302 of IPC. The 4th respondent had recorded the statements from the persons, who acquainted with the deceased. While being so, on 20.11.2020, one Gurusamy, who is a labour of the farm of the deceased informed the 4th respondent that the younger son namely the petitioner herein instructed him to

<https://hdservices.ecbuit.gov.in/hdservices/> that four goats were found missing. Further he



instructed him that the statement made by him as his own statement and not to torture by the petitioner.

4. Thereafter, the 4th respondent found the contradictions in the statement of the petitioner and suspicious conduct of the petitioner and the head injury of the deceased caused by an iron rod. After intensive search inside the farm land, the iron rod measuring 75 cm was found and recovered the same. Therefore, due to suspicious contact of the petitioner, the 4th respondent investigated the classmate of the petitioner and revealed that the petitioner and his brother for developing their business and also for renovating their old house, they borrowed several lakhs of rupees from private parties and they are facing severe financial crisis for repaying the said loan amount. Further the investigation revealed that one month prior to the occurrence, some other persons inspected the farm land and took photographs of the same. Thereafter when the petitioner and his family members attempted to sell the farm land, in order to settle their loan dues, the deceased opposed their proposal. Therefore, the the petitioner suppressed the murder of his own father. When the 4th respondent enquired the petitioner, he was admitted to the Government Rajaji Hospital, Madurai alleging that he was assaulted by 7 or 8 unknown persons. Based on the information, enquiry was conducted and it was found that the petitioner did not sustain any injury and he was treated as out patient.

5. In view of the above, the change of investigation would not serve any purpose, since the Investigating Officer now changed and new officer has taken charge for investigation.

6. Today, the Deputy Superintendent of Police, Srivilliputhur is present before this Court and stated that the new Investigating Officer had taken charge for the entire investigation and therefore this Court finds no ground to change the investigation in Cr.No.786 of 2020.

7. In view of the above, the Writ Petition is devoid of merits and it stands dismissed. However the fourth respondent is directed to proceed further investigation and the third respondent shall monitor the same. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Cr1.Side)

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/ /2022

Sub Assistant Registrar(CS)



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SP/26/05/2022/4P/5C