



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K. ILANTHIRAIYAN**

Crl.O.P.(MD) No.5296 of 2022

V.Jeyaraman

...Petitioner

Vs.

1. The Deputy Superintendent of Police,
Dindigul District,
Dindigul.

2. The Inspector of Police,
C.B.C.I.D,
Dindigul District,
Dindigul.

3. The Sub Inspector of Police,
Vedasanthoor Police,
Dindigul District,
Dindigul.
(Crime No.645 of 2010)

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records relating to the order dated 10.02.2022 made in Cr.MP.No.4335 of 2018 on the file of Additional District Munsif Cum Judicial Magistrate, Vedasandur and set aside the same in so far as entrusting the further investigation to the 1st respondent and consequently transfer the investigation in Crime No.645 of 2010 to the file of 2nd respondent to conduct further investigation in accordance with law.

For Petitioner : Mr.R.Gandhi

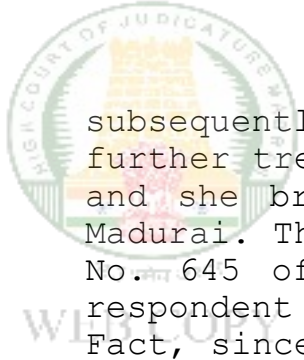
For Respondents : Mr.R.M.Anbunithi

Additional Public Prosecutor

ORDER

This petition has been filed seeking direction to call for the records relating to the order dated 10.02.2022 made in Cr.MP.No.4335 of 2018 on the file of the learned Additional District Munsif Cum Judicial Magistrate, Vedasandur and set aside the same in so far as entrusting the further investigation to the 1st respondent and consequently, transfer the investigation in Crime No.645 of 2010 to the file of 2nd respondent to conduct further investigation in accordance with law.

2. The case of the petitioner is that, Pandeewari, the daughter of one Ramadevi, while she working as a Supervisor in Centwin Textile Mill, consumed Super Vasmol Hair Dye, believing it as a tonic. Later, she was taken to City Hospital, Dindigul and



subsequently transferred to Meenakshi Mission Hospital, Madurai for further treatment. On 03.12.2010, her health condition became worse and she brought dead, when she was taken to Government Hospital, Madurai. Thereafter, the third respondent registered a case in Crime No. 645 of 2010 under Section 174 of Cr.P.C. However, the third respondent conducted enquiry and closed the same as Mistake of Fact, since she consumed super vasmol hair dye and died. However, it is the case of the petitioner that the deceased was found undressed and half-naked amidst pool of blood and therefore the petitioner suspected that the accused persons raped her and have done to death. In fact, the mill administration in which the deceased was employed, has paid a sum of Rs.5,00,000/- to the mother of the deceased. Thereafter, by an order, dated 19.11.2018 in Cr.M.P.No. 4335 of 2018, the learned Judicial Magistrate, Vendasandur set aside the final report filed by the third respondent and ordered further investigation. In view of the above direction, the first respondent took up the investigation and again closed the same as 'Action Dropped'. Aggrieved by the same, the petitioner being a member of the trade union, has filed protest petition for further investigation. Again, the learned Magistrate accepted the case of the petitioner and ordered for further investigation, by order, dated 10.02.2022. Perusal of the impugned order passed by the learned Magistrate, reveals that the present investigating officer while conducting investigation has not even recorded the statement of the erstwhile investigating officer and without even investigating the said investigating officer, he may not know why the death had occurred. It is further stated that the first respondent has not evinced any interest in procuring the Inquest Report from the Executive Magistrate and failed to disclose in the charge sheet as to why no request is made to the Executive Magistrate apart from sending the First Information Report. Further, the learned Magistrate recorded that the investigation done by the first respondent all along was a shabby investigation and ordered for further investigation by the same officer.

3. In view of the above, the order passed by the learned Additional District Munsif Cum Judicial Magistrate, Vendasandur in Cr.MP.No.4335 of 2018 is set aside in so far the appointing the same officer alone. Further investigation ordered by the learned Magistrate is hereby confirmed and the investigation in Crime No.645 of 2010 on the file of the second respondent is directed to be withdrawn forthwith and transferred to the file of the Additional Superintendent of Police, Dindigul District. Further, on receipt of case records from the second respondent, the Additional Superintendent of Police, Dindigul District is directed to take up the investigation, complete the same and file the final report before the concerned Court within a period of twelve weeks from the date of receipt of case records from the second respondent.



4. With the above direction, the petition stands disposed of.

Sd/-

Assistant Registrar ()

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/ /2022

Sub Assistant Registrar(CS)

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To

1. The Additional District Munsif cum judicial Magistrate,
Vedasandhur

2.The Additional Superintendent of Police,
Dindigul District.

3. The Deputy Superintendent of Police,
Dindigul District,
Dindigul.

4. The Inspector of Police,
C.B.C.I.D,
Dindigul District,
Dindigul.

5. The Sub Inspector of Police,
Vedasanthoor Police,
Dindigul District,
Dindigul.

6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Cr1.O.P.(MD) No.5296 of 2022
22.03.2022

SB(CO)

KB(01.04.2022) 3P 7C