



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25/02/2022

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVA

Crl.O.P. (MD)No.9501 of 2019

and

Crl.MP (MD)No.6040 of 2019

Rakkammal : Petitioner/De-facto complainant

Vs.

1.State rep. By
The Superintendent of Police,
Madurai District, Madurai.

2.State rep. By
The Inspector of Police,
T.Kallupatti Police Station,
T.Kallupatti, Madurai District.

3.The Inspector of Police,
C.B.C.I.D-Madurai,
No.83,3rd Cross Street,
Vishalatchipuram,
Madurai. Madurai District.

4.The Sub Inspector of Police,
Villoor Police Station,
Madurai District.
(Crime No.48 of 2019)

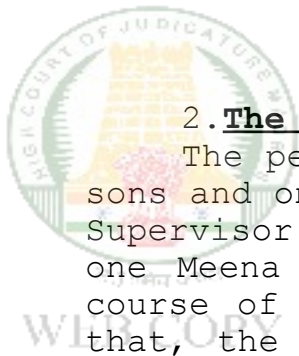
: Respondents

Prayer : Criminal Original Petition is filed under Section 482 Cr.P.C., to transfer the investigation in Crime No.48 of 2019, dated 24.04.2019 pending on the file of the 4th respondent to the 3rd respondent or any other competent authority on the basis of the petitioner's representation, dated 17.06.2019.

For Petitioner : Mr.R.Shankar Ganesh
For Respondents : Mr.SS.Madhavan
Government Advocate (Crl side)

O R D E R

This petition has been filed seeking to transfer the investigation in Crime No.48 of 2019, dated 24.04.2019 pending on the file of the 4th respondent to the 3rd respondent or any other competent authority, on the basis of the petitioner's representation, dated 17.06.2019.



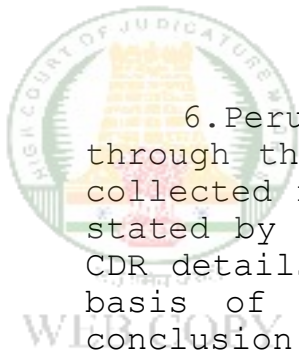
2.The case of the petitioner in brief:-

The petitioner and the deceased are husband and wife having two sons and one daughter. Her husband Chinna Muniyandi was working as a Supervisor in a Broomstick manufacturing Company and in the company one Meena daughter of Sappanimuthu was also working. During the course of time, illegal intimacy developed between two. So over that, the petitioner gave a complaint before the All Women Police Station, Thirumangalam, on 12/02/2019 and before the enquiry officer, the matter has been compromised between the above said Chinna Muniyandi and Meena and the relationship between them was stopped thereafter. But in spite of the above said compromise, it appears that the Chinna Muniyandi and the above said Meena eloped with each other and they went to various places and staying. Again there was a compromise, by which both the parties stated they will not interfere in the life of others. When this being the situation, when he was going near Periyar Bus Stand at about 10.30 pm, on a particular date, the son of Sappanimuthu namely Kaliappan, Kalimuthu, Pon Azhakhan, High Court Raja, Periyandipandi followed him for attack, Chinna Muniyandi escaped from the attack on life. Again, on the very next day, another occurrence took place, by which Chinna Muniyandi was kidnapped in the car dicky and administered the poison forcibly and later, thrown away near the Karuvelam Tree in Adhi Dhiravidar Burial ground. He was taken to the hospital and died on the next day at 12.30 am in the Rajaji Government Hospital, Madurai. In respect of which, a case in Crime No.48 of 2019 was registered on 24/04/2019 against the above said accused persons namely Kaliyappan, Kalimuthu, High Court Raja, Jothimani, Periyandi, S/o.Ponnalagan, Pandiyammal, w/o.Periyandi, Chinna Muniyammal, d/o.Sappanimuthu, Meena, d/o.Sappanimuthu and Doss for the offence under section 302 IPC. But thereafter investigation was not properly undertaken and all the accused persons were not arrested.

3.The relatives of the petitioner caught the accused red handed and handed over them to the 2nd respondent police. Instead of taking action against the accused persons, the 2nd respondent by receiving the complaint against the petitioner's relatives, filed a case in Crime No.51 of 2019 on 11/05/2019. The complaint was given by the first accused. The relatives of the petitioner were arrested and remanded to judicial custody. Later, released on bail. In this factual circumstances, the petitioner may not get justice in Crime No.48 of 2019, which was undertaken by the 2nd respondent. So the the investigation must be undertaken by the 3rd respondent.

4.Heard both sides.

5.The entire CD file has been called and also perused. The grievance of the petitioner is that instead of taking action against the accused persons, the relatives of the petitioner have been arrested on false implication. On the basis of the complaint given by petitioner, no proper investigation has been undertaken by the 2nd respondent.



6.Perusal of the CD file shows that the 2nd respondent have gone through the entire materials, recorded the statement of witnesses, collected materials and came to the conclusion that the offence as stated by the petitioner would not have taken place at all and the CDR details of the accused persons have also been collected. On the basis of the investigation, the 2nd respondent has come to the conclusion that it is a purely mistake of fact and due to enmity between the family members of the above said Meena, such a false complaint has been given implicating those persons. So also filed the closure report before the concerned court. Postmortem report of the deceased also shown no trace of the any external injury. So on this ground only, it was closed as Mistake of Fact. The final report was prepared on 27/11/2020. But thereafter, whether it was presented before the concerned court or not is not clear on record. When the final report has been prepared and also ready to be presented before the concerned court, the transfer of investigation at this stage will not lie. The petitioner can work out her remedy before the concerned court after receiving the RCS notice. During the course of the above said proceedings, she can work out her remedy through appropriate proceedings.

7.So I find no merit in this petition. If any finding or observation is recorded with regard to the nature of the occurrence, it may cause unnecessary trouble during the proceedings, that got to be initiated by the petitioner before the concerned court. This court has not expressed any opinion on the truth or otherwise of the nature of the occurrence, that has been pleaded by the petitioner.

8.With the above observation and direction, this criminal original petition stands **dismissed**. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



TO

- 1.The Superintendent of Police,
Madurai District, Madurai.
- 2.The Inspector of Police,
T.Kallupatti Police Station,
T.Kallupatti, Madurai District.
- 3.The Inspector of Police,
C.B.C.I.D-Madurai,
No.83,3rd Cross Street,
Vishalatchipuram,
Madurai. Madurai District.
- 4.The Sub Inspector of Police,
Villoor Police Station,
Madurai District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.SHANKAR GANESH, Advocate (SR-9080[F] dated
28/02/2022)

Crl.O.P. (MD)No.9501 of 2019
25/02/2022

RS (21.03.2022) 4P-7C