



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09/03/2022

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.11416 of 2019

WEB COPY

P.Savithiri

: Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Valliyur, Tirunelveli,
Tirunelveli District.

3.The Inspector of Police,
Radhapuram Police Station,
Radhapuram, Tirunelveli District.

4.The Sub Inspector of Police,
Radhapuram Police Station,
Radhapuram, Tirunelveli District.

: Respondents

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the 1st respondent Superintendent of Police, Tirunelveli to transfer the investigation to an independent Officer in Crime No.141 of 2015, dated 24/09/2015 on the file of the Radhapuram Police Station, Tirunelveli District and conduct fresh enquiry and to file a final report.

For Petitioner

: Mr.T.Cibi Chakraborty

For Respondents

: Mr.SS.Madhavan

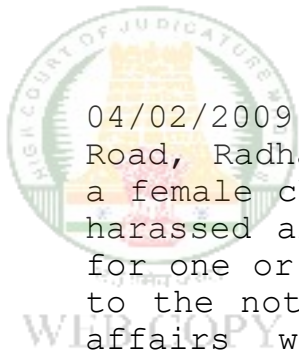
Government Advocate
(Criminal side)

O R D E R

This criminal original petition has been filed by the petitioner seeking a direction to the 1st respondent Superintendent of Police, Tirunelveli to transfer the investigation to an independent Officer, in Crime No.141 of 2015, dated 24/09/2015 on the file of the Radhapuram Police Station, Tirunelveli District and to conduct fresh enquiry and to file a final report.

2.The case of the petitioner in brief:-

The marriage between the deceased daughter of the petitioner by name P.Uma Parvathi and one P.Siva Premkumar was performed on
<https://hcservices.ecourts.gov.in/hcservices/>



04/02/2009 and after the marriage, they were living in Vijayapathi Road, Radhapuram, Tirunelveli and because of the marriage, they had a female child also. But right from the marriage, the deceased was harassed and tortured by her husband as well as her family members for one or other reasons, demanding more dowry etc. It was also came to the notice of the deceased that her husband having extramarital affairs with one Thangarani, who is working in the Police Department. So because of the above said affairs, misunderstanding arose between the husband and wife and the husband demanded the deceased to accept his extramarital relationship. He has also openly threatened the deceased to commit suicide. On 15/09/2015 also the above said P.Siva Premkumar threatened the deceased, pushed her down and abused her in filthy language. At about 3.00 pm, on the same day, the deceased committed suicide. She was shifted to the Vasantham Hospital and later to Kerala Institute of Medical Science (KIMS) Hospital and later to the Government Medical College Hospital, Trivandrum. She died at about 1.30 am, on 27/04/2015. There was a serious doubt over the suicide, a case in Crime No.141 of 2015 under section 174 Cr.P.C was registered.

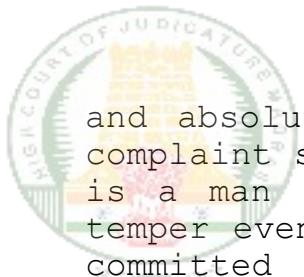
3.The petitioner has not signed in the complaint. Her signature has been forged. Reading of the FIR shows that the marriage alleged to have taken place 7-1/2 years ago. Actually the marriage took place within seven years from the date of the occurrence. But the Investigation was not properly undertaken and later, it came to the notice that final report has been filed by dropping further action.

4.The husband of the petitioner made a specific complaint and that was not properly looked into. A specific complaint was given by the husband of the petitioner on 26/09/2015 making allegations against five persons one among them belongs to the Police Department. But no proper action was taken. So this petition is filed seeking to transfer the investigation in Crime No.141 of 2015 from the file of the 3rd respondent to some other officer.

5.Heard both sides.

6.It is an unfortunate death of a woman having a child in an unfortunate event. It appears that because of the extramarital relationship between her and husband, frequently trouble had arisen between them and on that particular date, what went wrong between them is not clear on record. It is the matter for investigation, which is going to be ordered in this petition. Suffice to say that it is not, as if out of a sudden loss of mind and heart, due to a petty issue, the deceased committed suicide. The contention on the part of the respondent police is that the petitioner herself has given a clear chit to the husband of the deceased is also totally unbelievable.

7.The learned counsel appearing for the petitioner would submit <https://hdsrvtcs.eprints.org/eprints/hdsrvtcs/> the contents of the complaint did not belong to her



and absolutely, there is no possibility for having lodged such a complaint stating her son in law, who is the husband of the deceased is a man of character and it was only the deceased is to loose temper even for a petty issue. Because of that character only, she committed suicide. But further development in the form of a specific complaint by the father of the deceased and the husband of this petitioner shows that a specific complaint has been made with regard to the illicit relationship between the Siva Premkumar and one Thangarani, who is attached to the Police Department. Trouble has arisen between the husband and wife even though such a complaint has been sent immediately on 25/09/2015 itself, which is one week after the occurrence. Perusal of the CD file shows that absolutely no attention was paid by the Investigating Officer on this issue of specific complaint, the investigation proceeded and the short point that only because of the mood swing of the deceased, she committed suicide. Absolutely this observation or finding of the Investigating officer is not only perverse, but also not reflecting the actual state of affairs. By way of additional typed of set of papers, the petitioner has produced the copy of the FIR in Crime No.110 of 2020, wherein we find that the above said Thangarani, who is stated to have illegal intimacy with the Siva Pramkumar has lodged a complaint, on 25/05/2020 stating that she and the above said Siva Premkumar got married for some four years prior to the complaint and for the past 1-1/2 years, they were living separately. Because of difference of opinion and the above said Siva Premkumar is indulging in spreading of defamatory and abusive messages against her. The date of suicide as well as the date of the marriage of the deceased with the above said Siva Premkumar is stated to be 04/02/2009 and the date of the suicide is reported to be on 24/09/2015 at about 1.30 pm. But according to the above said Thangarani, she married the above said Siva Premkumar some 4 years prior to the complaint. From the date of the complaint, if it is calculated, it will come to light on 26/09/2015. If the calculation is correct, then it appears that within few months from the date of the death of the deceased, the Siva Premkumar appears to have married the above said Thangarani. So this clearly shows that there was some sort of affairs between the Siva Prekumar and Thangarani. As mentioned earlier, this angle has completed missed the notice of the Investigating Officer.

8. Even though the final report has been filed and RCS notice was served upon this petitioner, normally the court would have directed the petitioner to work her remedy by filing appropriate application before the concerned court as per law. But this case is entirely different picture. The facts and circumstances of the case requires that this court must interfere and exercise the jurisdiction under section 482 Cr.P.C to correct the wrong that has been committed by the Investigating Officer, by ordering reinvestigation. So, I am of the considered view that this is one of the fittest case, which requires such a direction. Under what



settled and more particularly, the judgment of the Hon'ble Supreme Court in the case of **State of Punjab Vs. Central Bureau of Investigation and others [(2011)3 SCC (Cri) 666]**. Considering the facts and circumstances of the case and also fit into the parameter that has been stated by the Hon'ble Supreme Court for exercising the extraordinary jurisdiction. So on that ground, this petition is liable to be allowed.

9.In the result, this criminal original petition is allowed and re-investigation is ordered to the present Deputy Superintendent of Police, Valliyur, Tirunelveli District, who is the 2nd respondent herein and the 2nd respondent is also directed to make re-investigation of the entire occurrence in the light of the specific complaint that has been given by the husband of the petitioner, dated 26/09/2015. The entire file must be handed over to the 2nd respondent within a period of 15 days from the date of receipt of this order. The re-investigation must be undertaken by the 2nd respondent without being influenced in any of the statement or observation or finding that has been recorded by the then Investigating Officer and the re-investigation must be completed within a period of five months from the date of receipt of the file and thereafter the final report must be filed before the concerned court. The copy of the final report must also be given to the petitioner and her husband. The compliance report must be submitted to the Registry forthwith.

10.With the above said directions, this criminal original petition stands allowed .

Sd/-

Assistant Registrar(CS-II)

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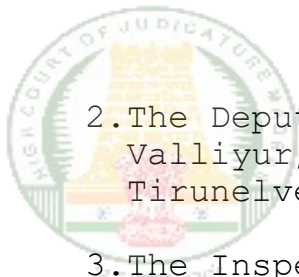
Sub Assistant Registrar(CS)

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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,
Tirunelveli, Tirunelveli District.



2.The Deputy Superintendent of Police,
Valliyur, Tirunelveli,
Tirunelveli District.

3.The Inspector of Police,
Radhapuram Police Station,
Radhapuram, Tirunelveli District.

4.The Sub Inspector of Police,
Radhapuram Police Station,
Radhapuram, Tirunelveli District.

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

+1 CC to M/s.T.CIBI CHAKRABORTHY, Advocate (SR-11053[F] dated
10/03/2022)

Crl.O.P.(MD)No.11416 of 2019
09/03/2022

NSN(CO)
KB(01.07.2022) 5P 7C