

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.09.2022**

CORAM:

THE HONOURABLE MR.JUSTICE **SATHI KUMAR SUKUMARA KURUP**

Crl.O.P.(MD).No.15632 of 2022

Tamil Priya

... Petitioner

Vs.

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

2.The Inspector of Police,
Mandaiyoor Police Station,
Pudukkottai District.
(Cr.No.8 of 2019)

3.The Inspector of Police,
CBCID,
Pudukkottai District.

... Respondents/Complainants

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to pass an order by transferring the investigation in Crime No. 8/2019 pending on the file of the second respondent to the CBCID or any other investigation agency and file final report within the stipulated period fixed by this Court.

For Petitioner : Mr.Chamundi Bose

For Respondents : Mr.R.Sivakumar
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed seeking an order by transferring the investigation in Crime No.8 of 2019 pending on the file of the second respondent to the CBCID or any other investigation agency and file final report within the stipulated period fixed by this Court.

2. The learned Counsel for the Petitioner submits that the Petitioner's daughter, by name, Malasri is alleged to have committed suicide by consuming Rat Repellent Paste. It is his further submission that the Petitioner's daughter was undergoing Engineering Degree Course in Mookambikai Engineering College, Trichy and she was residing in Hostel. On the date of occurrence, she is alleged to have been feeling unease and was resting on the last Bench of the Class Room. At that time, a classmate of the Petitioner, by name, Mohammed Imran is alleged to have been abused her in filthy language and attacked her. Due to the abusive words and attacking her in open Class Room in front of her classmates, she felt depressed and went to the Hostel and consumed Rat Repellent Paste and after sometime, she felt dizzy. Therefore, she contacted another classmate, by name, one Guna and informed him about the consumption of Rat Repellent Paste. The said classmate immediately took her to the Hospital, from where, she had given the information to

her parents and relatives. The petitioner's daughter had undergone treatment at Keeranur Government Hospital initially and later she was taken to the Government Hospital, Pudukkottai and to the Government Hospital, Trichy, for better treatment. During the course of treatment, the Doctors had recorded her statement and also informed the Police. Thereafter, the Respondent Police, Keeranur, had come to the Government Hospital and recorded the statement of the daughter of the Petitioner. Subsequently, the Investigating Officer had closed the investigation as “Mistake of Fact”, but, the same was not informed to the Petitioner. Therefore, aggrieved by the same, the Petitioner had filed this Petition, seeking transfer of investigation to some other Agency.

3. The learned Additional Public Prosecutor appearing for the Respondent Police, by way of reply, submitted that after registering the FIR under Section 306 IPC, the Investigating Officer proceeded with the investigation and recorded the statements of the Professors and Classmates of the deceased student. Subsequently, he had altered the case under Section 174 Cr.P.C and closed the investigation.

4. The conduct of the Investigating Officer is found to be suspicious in the above circumstances. The reply given by the learned

Additional Public Prosecutor does not inspire the confidence of this Court. As expressed by the Petitioner herein, who is the mother of the deceased student, the conduct of the Investigating Officer is found to be suspicious. Therefore, this Court is inclined to issue the following directions:

1. The Superintendent of Police, Pudukkottai District, is directed to hand over the case to the CBCID, Trichy, to proceed with the investigation. The Inspector General of Police, CBCID is directed to appoint / nominate a Senior Officer not below the rank of Deputy Superintendent of Police.
2. The Investigating Officer shall not carry over the statements already recorded by the previous Investigating Officer.
3. The Inspector General of Police, Central Zone, Trichy, is directed to hold an enquiry on the conduct of the previous Investigating Officer, who had initially registered the case under Section 306 IPC and altered the same to an offence under Section 174 Cr.P.C., which is found to be suspicious.

5. With the above directions, this Criminal Original Petition is disposed of. The petitioner is granted the liberty to approach this Court for appropriate orders regarding the Investigation.

05.09.2022

Index : Yes/No

Internet : Yes/No

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To

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Pudukkottai District.
(Cr.No.8 of 2019)
- 3.The Inspector of Police,
CBCID,
Pudukkottai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

SATHI KUMAR SUKUMARA KURUP. J.

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