



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04/04/2022

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Crl.O.P.(MD)No.16857 of 2019

WEB COPY

Subramani : Petitioner/De-facto complainant

Vs.

1.The Commissioner of Police,
Trichy city,
Trichy.

2.The Deputy Superintendent of Police,
CBCID,
Trichy Range,
Trichy District.

: R1 and R2/Respondents

3.The Inspector of Police,
Fort Police Station,
Trichy City,
Trichy.

(Crime No.416 of 2019) : R3/Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to withdrawing the investigation in Crime No.416 of 2019 pending on the file of the 3rd respondent police and transfer the same to the 2nd respondent or to any other agency for further process of investigation.

For Petitioner : Mr.Jerin Mathew

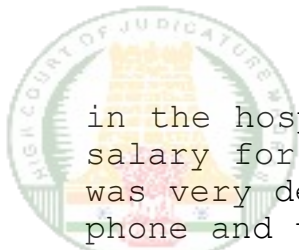
For Respondents : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

O R D E R

This petition has been filed seeking to transfer the investigation from the file of the 3rd respondent to the file of the 2nd respondent.

2.The case in brief:-

The daughter of the petitioner by name Radhika was working as a Staff Nurse in a private hospital at Trichy for about four years and she was staying in the hospital itself. She was also working 12 hours per day. She was also making the above bad working condition



in the hospital and decided to quit the job also. She was not paid salary for the month of April. Because of the above said issue, she was very depressed. On 28/05/2019, the petitioner contacted her over phone and that was not answered. He went to the hospital and made an enquiry, wherein he was told that his daughter did not attend the duty and he went to the hostel, wherein also he was informed that she went to the hospital by 1.00 pm. Later only, he was informed that she died by hanging. The third respondent did not take proper action against the hospital authorities. So he made a representation on 28/05/2019. But that was rejected. So if investigation is carried by the third respondent, the petitioner may not get proper justice. So, he filed a petition for transfer of investigation.

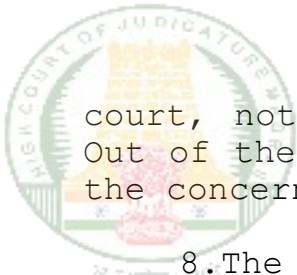
3. Heard both sides. The entire CD file has been called for and perused.

4. It is an unfortunate and untimely death of a young girl, who was aged only 20 years. At the time of death, she has not denied that she was working in Staff Nurse in a hospital for about four years. It is the allegation of the petitioner that against the agreed working hours, the deceased was directed to work for 12 hours per day and the working condition and other amenities were not upto the mark. She was making complaint and she was about to quit the job. At the time of said occurrence took place, the petitioner suspected the involvement of hospital authorities in the death of her daughter.

5. It is the case of the respondents that during the course of investigation, it was found that the deceased was having love affairs with one Raghu and she was making persistent pressure to the above said Raghu to marry her, for which the above said Raghu appears to have stated that after securing proper job, their marriage can be performed, for which she was sending messages to the above said Raghu from her mobile to the mobile phone of the Raghu. But the said Raghu was not responding to the proposal. So she depressed mentally. Because of the refusal of the above said Raghu, she committed suicide.

6. Finding the above said fact, the petitioner was issued with RCS notice. Since he refused to receive the same, notice was pasted in the residential house, for which also photographs were also taken by the respondent police, which are available in the typed set of papers.

7. Now the grievance of the petitioner, after going through the records, is that the above said Raghu could have been impleaded in this case and the investigation ought to have been taken on that line to see whether any abetment of suicide on the part of Raghu. According to him, absolutely such enquiry was not undertaken by the investigating Officer. Now whatever may be the grievance of the



court, noting that it is a case of suicide out of the depression. Out of the love affairs. So the petitioner ought to have approached the concerned court seeking appropriate relief.

8.The RCS notice was despatched on 02/09/2020 during the pendency of this petition. Even at the time of moving this petition, it was not brought to the notice of this court that the deceased was having love affairs with one Raghu. The Call details as well as the STR details of the above said Raghu and the deceased were ordered to be considered. In pursuance of the above said direction, Call details and STR details as well as the materials have been collected by the Investigating Officer during the course of investigation.

9.So absolutely, I find no reason at this stage to transfer the investigation, since the final report has also been filed before the concerned court The petitioner can work out his remedy before the concerned court through appropriate proceedings.

10.So with the above said liberty, this petition stands **dismissed as infructuous.**

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

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 Commissioner of Police,
Trichy city,
Trichy.

2.The Deputy Superintendent of Police,
CBCID,
Trichy Range,
Trichy District.



3.The Inspector of Police,
Fort Police Station,
Trichy City,
Trichy.

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

+1 CC to M/s.M. JERIN MATHEW, Advocate (SR-16955[F] dated
06/04/2022)

Crl.O.P. (MD)No.16857 of 2019
04/04/2022

RK(19/04/2022) 4P 6C