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Crl.O.P.(MD)No.18224 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

ORDER RESERVED : 29.04.2022

ORDER PRONOUNCED : 21.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.O.P.(MD)No.18224 of 2018

M.Kanagalakshmi

... Petitioner

Vs.

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

2.The Inspector of Police,
Sipcot Police Station,
Thoothukudi,
Thoothukudi District.
(Crime No.429 of 2018)

...Respondents

PRAYER:Criminal Original Petition is filed under Section 482 of Cr.P.C, to transfer the investigation in Crime No.429 of 2018 dated 10.09.2018 pending on the file of the 2nd respondent to any other competent authorities and to complete the investigation within the stipulated period.

For Petitioner : Mr.V.M.Jegadeesh Pandian

For Respondents : Mr.P.Kottai Chamy
Government Advocate (Crl.Side)



ORDER

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2.The facts in brief are as follows:-

2.1.The sister of the petitioner, by name Tamilselvi was working as Assistant in the office of the Livelihood Scheme during the Tsunami Disaster under the Rural Development Department attached to Thoothukudi Collector Office. She was a widow and residing in the Government Quarters at Corampallam. She had no children. She was affected by Anemia and Peptic Ulcer Low HB. So, she was admitted in the hospital by applying medical leave from 09.08.2018 to 31.08.2018. After recovery, she joined duty. However, she was not allowed to join duty on the aforesaid date. So, she returned back to the house on 01.09.2018. She again went to the office on 03.09.2018. At that time, she was informed that she should not enter into the office, but in spite of that she was regularly attending the office from 03.09.2018 to 06.09.2018.



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Because of the act of the Superior Officers, she was mentally affected and because of the pressures made by the Superior Officers, she committed suicide on 08.09.2018 at her residence in the Government Quarters.

2.2.A suicide note was also found in the house, wherein she has stated that because of the attitude of the Account Officer and DIO, she was made to commit the suicide. Only two days after the suicide, it was informed to the brother of the petitioner. On the basis of the complaint given by the petitioner's brother, the body of the deceased was recovered from the Government Quarters and a case was registered in Crime No. 429 of 2018 for the offences punishable under Section 174 of the Code of Criminal Procedure.

2.3.In spite of the specific complaint given by the petitioner's brother against the Superior Officers of the deceased, no proper action was taken and also the respondent police tried to close the First Information Report. Thereafter, the petitioner has made several representations to various authorities, but no effective steps were taken. Finally, she made a representation on 27.09.2018, but in spite of that, there is no action. Hence, the present Criminal Original Petition.



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Crl.O.P.(MD)No.18224 of 2018



3.Heard the learned counsel on either side. The entire CD file has been called for and perused.

4.The only ground, on which this petition came to be filed, is that the Investigation Officer, who is the 2nd respondent herein, has not taken into consideration the suicide note that was left by the deceased making allegations and complaints against the Superior Officers. So, according to the learned counsel for the petitioner, because of the continuous torture, harassment and ill-treatment that was meted out to the deceased by the Superior Officers, the deceased was made to commit the suicide. So, according to him, the circumstances, which have been created by the Superior Officers, were the main reasons for the commission of suicide. So, according to him, it is a clear case of abetment of suicide.

5.With regard to the trouble that was created during the relevant period, the deceased made a complaint to the District Collector, Thoothukudi, by a letter dated 08.09.2018, wherein she has stated that she was in medical leave from 09.08.2018 to 23.08.2018 and thereafter it was extended till 31.08.2018. After obtaining the fitness certificate, she was about to join duty and at that time, she was told that she should not



enter into the office and sign in the attendance register. It happened on 03.09.2018 and the complaint was made on 08.09.2018. The date of the deceased is stated to be on the very same date of the complaint.

6.In the First Information Report, it has been mentioned that on 10.09.2018 at about 09.00 pm., the *de-facto* complainant went to the residence of Tamilselvi/the deceased and at that time, it was found that the door was locked and foul smell emanated from the house. So, the door was broken and at that time, he found that Tamilselvi found dead. So, based upon the letter only, repeated representations have been sent to the authorities concerned.

7.During the course of hearing, the learned Government Advocate (Crl.side) appearing for the respondents submits that the letter has been sent to the Forensic Science Laboratory for examining of handwriting expert and the report is not yet received. So, on that ground, status report was ordered to be filed and later, on 04.04.2022, it was submitted that the report from the Forensic Science Laboratory has been received and a copy of the same has also been produced before this Court in pursuance of the earlier directions of this Court, wherein it has been mentioned that the handwriting that was available in the suicide note and the sample



handwriting were found to be made by the very same person. So, it appears that it is a positive report. The report is dated 24.02.2022.

8.Perusal of the CD file also shows that proper steps have been taken by the 2nd respondent in finding out the truth and the reason for the cause of suicide. So, because of the non receipt of the handwriting expert's report, it appears that it was pending for a very long time. So I find absolutely that there is no *mala fide* intention on the part of the 2nd respondent in screening the real offenders. Since the handwriting expert's report has been received recently, further course of action ie., further investigation must be undertaken by the 2nd respondent. So, I find absolutely that there is no reason to say that the 2nd respondent is biased and he has not taken the investigation in a proper manner.

9.In the light of the above discussions, I find no reason to transfer the investigation at this stage and the 2nd respondent must complete the investigation within a period of 3 months from the date of receipt of a copy of this order under the direct supervision of the District Superintendent of Police, Tuticorin and the compliance report must be submitted before the Registry after completing the investigation process. If the petitioner is aggrieved by the final report, she can very well



Crl.O.P.(MD)No.18224 of 2018

workout her remedy through appropriate proceedings before the appropriate forum.

10. With the foregoing discussions and liberty, the Criminal Original Petition stands dismissed.

Index : Yes/No
Internet : Yes/No
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21.06.2022

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,
Thoothukudi District,
Thoothukudi.

2. The Inspector of Police,
Sipcot Police Station,
Thoothukudi,
Thoothukudi District.



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G.ILANGOVA. J.

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**Order made in
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