



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05/04/2022

CORAM:

**THE HON'BLE MR JUSTICE G.ILANGOVAR**

Crl.O.P. (MD)No.17251 of 2019

A.Alphonse

: Petitioner

Vs.

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

2.The Inspector of Police,  
Kallal Police Station,  
Sivagangai District.  
(Crime No.183 of 2019)

: Respondents

**Prayer:** Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the 1<sup>st</sup> respondent to transfer the investigation in Crime No.183 of 2019 pending on the file of the 2<sup>nd</sup> respondent police to any other independent investigation agency.

|                 |   |                                                          |
|-----------------|---|----------------------------------------------------------|
| For Petitioner  | : | Mr.G.Thalaimutharasu<br>for Mr.P.Veera Pandi             |
| For Respondents | : | Mr.R.Meenakshi Sundaram,<br>Additional Public Prosecutor |

**O R D E R**

This criminal original petition is filed seeking transfer of the case in Crime No.183 of 2019 from the file of the 2<sup>nd</sup> respondent police to some other independent investigation agency.

**2.The facts in brief:-**

The deceased Angle is the daughter of the petitioner. She was married to one Martin Arokiyam. After the wedlock, one male and one female children were born to them. The husband was working in abroad and used to come to India once in a year. The in-laws of the deceased, subjected the deceased into harassment by suspecting her fidelity and they also made dowry demand. On 16/10/2019, the petitioner received a phone call from the father-in-law of the deceased stating that she committed suicide. He went to the house immediately. On enquiry with the neighbours, he was told that she committed suicide in the matrimonial house and the dead body was



removed from the house by concealing the real truth. On the basis of the complaint given by the petitioner, a case in Crime No.183 of 2019 was registered under section 174 Cr.P.C. Since no proper steps taken by the second respondent, even after a lapse of several months, this petition has been filed.

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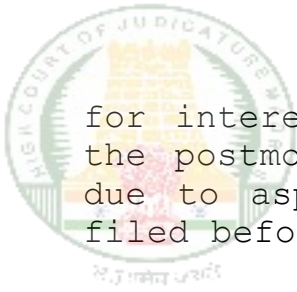
3.Heard both sides.

4.The fact that the deceased was married to Martin Arokiyam and two children were born to them and due to the job, the husband was staying in abroad and used to visit once in a year to the hometown are not denied.

5.The learned counsel appearing for the petitioner would submit that the suicide note has been written by the deceased soon before her death and that was suppressed by the Investigating Officer. Since he entertained doubt with regard to the cause of the death, he made a petition, on 11/11/2019 making doubt suspecting the involvement of the in-laws of the deceased. Even at the time of the first instance namely on 16/10/2019, it has been stated by the complainant that they entertained doubt with regard to the cause of the death. Subsequent to that, on 11/11/2019, he made a representation stating that when they made enquiry with in laws, they gave contradictory statement with regard to the cause of the death. Further enquiry reveals that she was subjected to cruelty, demand of more dowry, jewels etc., On the earlier occasion, the deceased informed him about such harassment.

6.Perusal of the entire CD file shows that the deceased left the suicide note and from the investigation, it is seen that the deceased by pledging jewels, lent money to several persons. One Jeevana, Purandi Raja also received money from her. She has also mentioned that one Kanaga was also introduced to her. She also expressed her dissatisfaction with regard to the children to be left in her matrimonial home and also expressed her willing to burry her in her native place. She has also stated her death should not be intimated to her husband, since he did not take care. She also expressed dissatisfaction over the attitude of her husband and in laws. So reading of the suicide note shows that she was completely in distressed mood, dissatisfied with the attempt of the husband and in laws.

7.But the status report shows that the deceased by pledging jewels lent money to third parties and that was brought to the notice of the husband. The husband made enquiry, so also the in-laws and over that issue only, she committed suicide. According to the prosecution, there was no abetment or inducement of suicide by the in laws and husband. Further report also shows that the deceased was in the habit of lending money to the third parties



for interest. There was no external injury on her body. As per the postmortem report as well viscera report, the death occurred due to asphyxia. Noting that it is a suicide, final report was filed before the concerned court by dropping further proceedings.

8.The de-facto complainant also stated to be served with notice and the closure report is, dated 16/02/2021. That was received by the de-facto complainant on 31/02/2021. Since the final report has been filed before the concerned court 'dropping further proceedings', the question of transfer of investigation does not arise. However, liberty is granted to the petitioner to work out his remedy before the concerned court.

9.With the above said liberty, this petition is **dismissed** as infructuous. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (ADMN-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 Superintendent of Police,  
Sivagangai District, Sivagangai.
- 2.The Inspector of Police,  
Kallal Police Station,  
Sivagangai District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

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