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Crl.OP.No.4059 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2023

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THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.4059 of 2023

Girija

... Petitioner

Vs.

1. The State Rep by,
The Superintendent of Police,
Vellore District.

2. The Inspector of Police,
Latheri Police Station,
Vellore District.
Crime No.09 of 2023

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to issue a direction to the 1st Respondent herein to transfer the investigation in Crime No.09 of 2023 pending on the file of the 2nd Respondent to The Inspector of Police, CBCID, Vellore District and to file a final report.

For Petitioner

: Mr.M.Duraimurugan

For Respondent

: Mr.Leonard Arul Joseph Selvam
Government Advocate(Crl.side)



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ORDER

This Criminal Original Petition has been filed to the 1st Respondent herein to transfer the investigation in Crime No.09 of 2023 pending on the file of the 2nd Respondent to The Inspector of Police, CBCID, Vellore District and to file a final report.

2. The learned counsel for the petitioner submitted that, petitioner was married to the deceased Nagesh. Nagesh was a farmer and he was working at the branch of Hutsun Agro Company since 2013 for monthly salary. Hutsun Branch would collect milk on behalf of the dairy farmers and cattle farmers. Initially, the Hutsun Branch would pay the intermediary milkmen according to the quantity of the milk. The intermediary, in turn deduct a large sum as commission and pay the remaining to the original dairy farmers and cattle owners. Thereafter, Hutsun Branch introduced direct payment method, in which, money was directly deposited into the accounts of the dairy farmers and cattle owners. As a result, intermediaries namely Krishnamoorthy, Rajendiran and Moorthy suffered loss. They developed strong vengeance against the petitioner's husband. The said Krishnamoorthy picked up quarrel with the petitioner's husband and also abused & threatened him. In the year 2022,



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Hatsun Agro Company started milk processing procurement center at the petitioner's village and it was run by the petitioner's husband. On 10.01.2023, petitioner husband went to procurement center at B.N.Palayam and then he came to the procurement center at the petitioner's village. Thereafter, he did not return home. At about 10.30.p.m., petitioner tried to contact her husband, but he did not respond to the call. Hence, petitioner visited the procurement center and found that her husband was lying dead. Petitioner suspects Krishnamoorthy and Thirugnanam for the death of her husband. Despite, FIR in Crime No.09 of 2023 was registered for the offence under Section 302 of IPC, respondent police have not conducted proper investigation and no accused is arrested. Therefore, present petition is filed.

3. When the matter was taken up for hearing on 27.02.2023, it was reported that, despite efforts were taken by the respondent police, they could not identify the accused and the matter was adjourned after three weeks for updation on the investigation. Then the matter was taken up for hearing on 07.06.2023. At the request of the Investigation Officer, matter was posted today for further updation on the development made in the Investigation of this case



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along with the fresh status report.

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4. The status report produced by the respondent police shows that, respondent police had examined the following witnesses.

- i) Girija – Defacto Complainant / petitioner
- ii) Gopi - Relative of the deceased
- iii) Chandran - Brother of the deceased
- iv) Durai Murugan - Brother of the deceased
- v) Damodaran - Brother of the petitioner

5. It is further seen from the status report that, requisition has been given to the Cyber Crime Cell to get the call details of the phone number of the deceased. However, no clue was obtained in the CDR Report. Special Police team was formed and they are taking sincere efforts to secure the accused. So far as, 45 witnesses have been examined. Service of the dog squad was utilized, but it provided no clue. C.C.T.V footage available in the village was also analyzed, but there is also no clue to the murder. The suspect Krishnamoorthy's statement was also recorded. The C.C.T.V fixed in his house was also analyzed



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along with his cell phone.

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6. The investigation revealed that the deceased had enmity due to the following reason :

- (i) Business side
- (ii) Illegal Intimacy
- (iii) Friends who opposed deceased business growth
- (iv) Servants
- (v) Relatives

7. The learned Government Advocate (Crl. Side) submitted that, Investigation Officer is planning to conduct polygraph test on the suspected accused persons and the investigation is proceeding in the right line. During the course of the investigation, the prayer for transfer of investigation is not right. Thus, he prayed for dismissal of the petition.

8. Considered the rival submission and perused the records. It is seen



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from the FIR allegations and the post-mortem report that, the deceased was inflicted with cut injuries with sharp edged weapon. The Doctor opined that the deceased would have died of shock and haemorrhage due to multiple injuries. No doubt, the injuries are homicidal injuries.

9. Though the FIR was registered on 11.01.2023, the fact that, the respondent police is not able to identify the accused who are responsible for the above said injuries shows that the investigation is not properly conducted. By every passing days, respondent police is losing vital evidence. Therefore, this Court is of the view that, only if the investigation is transferred to the CBCID, Vellore District, proper investigation will be conducted.

10. In this view of the matter, this Criminal Original Petition is allowed. Investigation in Crime No. 09 of 2023 is hereby transferred from the file of Inspector of Police, Latheri Police Station, Vellore District to the file of Superintendent of Police, CBCID, Vellore District. The Superintendent of Police, CBCID, Vellore District is directed to constitute a special team headed by the Inspector of Police for conducting investigation and file a final report in



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the manner known to law.

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12.06.2023

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To

1. The Superintendent of Police,
Vellore District.
2. The Superintendent of Police,
CBCID, Vellore District.
3. The Inspector of Police,
Latheri Police Station,
Vellore District.

G.CHANDRASEKHARAN,J.

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