



CrI.O.P.No.14212 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.14212 of 2022

and

CrI.M.P.No.7762 of 2022

P.Kayalvizhi

... Petitioner

Vs.

1.State Represented by
The Superintendent of Police,
Central Bureau of Investigation,
Special Crime Branch,
Rajaji Bhavan, Besant Nagar,
Chennai – 600 090.

2.The Inspector of Police,
Central Bureau of Investigation,
Special Crime Branch,
Rajaji Bhavan, Besant Nagar,
Chennai – 600 090.
(RC3(S)/2015-CBI/SCB-Chennai)

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the first respondent to conduct the further investigation in S.C.No.6 of



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2017 (RC3(S)/2015-CBI/SCB-CHENNAI) on the file of the learned Assistant Sessions Judge at Puducherry.

For Petitioner : Mr.M.Palanivel

For Respondents : Mr.K.Srinivasan,
Special Public Prosecutor

ORDER

This Criminal Original Petition is filed seeking further investigation of a case investigated by CBI in which the trial completed and awaiting for judgment.

2. The petitioner is the mother of the deceased-Priyadharshini, who was pursuing her MBBS course in a private College at Puducherry. On 16.05.2012 at about 8.30 p.m., she was last seen alive by her hostel mates viz., Nandhini and Umadevi. Next day morning her room No.28 was locked inside. The Warden of the Hostel drew suspicion, had broke open the room and found Priyadharshini was hanging. Complaint was given to the local police on the same day and the same was taken up for investigation. Suspecting that the police trying to steal the real culprit, Kayalvizhi, the



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mother of the deceased has approached this Court seeking transfer of investigation.

3. Accordingly, this Court vide order dated 08.06.2012 transferred the investigation to CB-CID. CB-CID, which took up the investigation, after recording the statement of witnesses, came to conclusion that it is a case of suicide and the girl has committed suicide due to love failure and the suspicion of the Kayalvizhi, the mother of the deceased that her daughter was subjected to sexual harassment by the College Management is unfounded. Then again, the petitioner had knocked the doors of justice by filing CrI.O.P.No.32991 of 2014 seeking further investigation of Crime No.74 of 2012 which was culminated in closure report by CB-CID.

4. This Court after giving anxious consideration to the submissions made by the petitioner, the mother of the deceased, in the interest of justice, to unravel, the mystery behind the death of Priyadharshini, directed CB-CID to handover the Case Diary and all the materials to the CBI for the purpose of investigation.



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5. In reverence to the order passed by this Court on 23.04.2015, in Crl.O.P.No.32991 of 2014, CBI has taken up the investigation, completed it and had filed final report before the learned Chief Judicial Magistrate, Puducherry, wherein, one Pradeep Kumar @ Pradeep, was shown as accused. The learned Chief Judicial Magistrate, Puducherry, on perusal of the records had framed charge under Section 306 IPC against the said Pradeep Kumar and has commenced a trial. 22 witnesses were examined on behalf of the prosecution, including the petitioner herein who was examined as P.W.19, her daughter Priyanandini, who is the elder sister of the deceased as P.W.20. The trial Court had put incriminating circumstances to the accused as questions under Section 313 of Cr.P.C., and the same has been answered by the accused. The case is posted for arguments.

6. At this juncture, the present petition is filed alleging that the petitioner, the mother of the deceased, was not aware of the completion of investigation by the CBI and the statement under Section 161 Cr.P.C., alleged to have been recorded by CBI is not true. Consistently, she had been



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alleging that her daughter was not in any love affair but being complaining about sexual harassment by the College Management and in spite of that, to favour the Management, CBI had mislead the Court by filing a final report against Pradeep.

7. Learned counsel appearing for the petitioner also submitted that the post-mortem report indicates external injury whereas the witness has suppressed the same, particularly, one Mr.S.Manicka Deepan, who is listed witness No.23 and examined by the Court, as P.W.16.

8. Learned Special Public Prosecutor for CBI has filed a counter wherein, it has been stated that the allegations made in the petition for further investigation causing aspersion against CBI investigation is motivated and bereft of truth. After the investigation entrusted to CBI by the order of this Court, a detailed investigation has been done and among the materials being collected which has positively indicted the said Pradeep, who had sent SMS to the deceased casting aspersion on her character which has triggered Priyadharshini to commit suicide. The close friends of the



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deceased who were her hostel mates have disclosed the intimacy of Priyadharshini with Pradeep and later breakup. Also the suspicion of the petitioner about sexual harassment by the Management was thoroughly investigated and found that the said allegation is vague and unfounded. Investigation did not reveal anything about sexual harassment being meted out to the deceased.

9. In the light of the rival submissions, this Court has to find out whether, the voice of the mother, who had knocked the doors of this Court thrice earlier being again stifled by improper investigation by the CBI. Went through the documents placed in detail and after giving anxious consideration, finds that the allegations made by the petitioner herein regarding sexual harassment is not only an illusory allegation but also to safeguard the honour of the daughter, who had died due to love failure and this Court has every reason to believe that the petitioner is pursuing the matter by targeting the Management for some ulterior motive.



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by the College Management. That apart, as pointed out by the learned Special Public Prosecutor for CBI when the Court interfered and changed the investigation agency and entrusted the investigation to CBI, statements were recorded and the petitioner also given her statement. In that statement, she had improvised her allegation. However, that was not found to be correct, in view of the statements of the other witnesses, particularly, the room-mates of the deceased.

12. Right from inception, this Court able to see the petitioner keep on improvising her case and for some reason or other believes that her daughter committed suicide because of sexual harassment by the Management, whereas, the investigation indicates otherwise.

13. For the sake of substantiating her suspicion, she had been advised to make false averments, particularly, in her petition for further investigation, she admits that CBI had recorded her statement but it is submitted before this Court that CBI never recorded her previous statement before completing the investigation and she came to know about the filing of



final report only when she was summoned to give evidence. As pointed out earlier, the petitioner and her elder daughter were examined by the prosecution as P.W.19 and P.W.20. The petitioner herein was examined on 17.12.2021. For the first time she had come out with details about certain persons in the Management whom according to her caused sexual harassment. Those, names were not reflected in her alleged complaint dated 18.05.2012 or in her statement given to the Sub Divisional Magistrate recorded the statement on 18.05.2012. Similarly, the argument placed by the learned counsel appearing for the petitioner that the post-mortem report indicates that there was external injury on the body of the deceased also not correct.

14. On perusal of the post-mortem report, the injury noted are tell-tale marks of suicide by hanging and nothing more. The petitioner before the trial Court was called by the prosecution to give evidence. Contra to her previous statements she has deposed, hence, allowed to be cross examined by the prosecution, by declaring her as hostile witness. Even in her chief examination, she has admitted that the day before her death, her daughter



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did not complain about Sukumar or any other person in the Management. It was 6 months prior to her death, she heard complaint about Sukumar from her daughter. This fact of admission by Kayalvizhi, who was examined as P.W.19 had demolished all her allegations about sexual harassment by the Management and the complaint of her daughter the day before her death.

15. Having understood that she has demolished her own case, she has come before this Court to seek further investigation, after participating in the trial conducted, based on the CBI investigation at her behest. Though, this Court wants to impose cost on the petitioner for filing this frivolous petition with ulterior motive, however, taking note of the fact that having lost her daughter who had a promising future, she had been driven by frustration and making wild allegation out of her imagination forcing three different agencies to investigate. Consistently all the 3 agencies has atleast come out with an uniform opinion that Priyadharshini, daughter of the petitioner did not die due to sexual harassment by the Management. No cost imposed.



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16. In the result, the Criminal Original Petition is dismissed.

Consequently, connected miscellaneous petition is closed.

17. The trial Court is directed to proceed and deliver judgment at the earliest. This judgment confined only to the prayer sought in this petition and shall have no bearing in the decision of the trial Court.

05.07.2023

Index : Yes/No

Neutral Citation : Yes/No

AT

To

1.The Assistant Sessions Judge, Puducherry.

2.The Superintendent of Police,
Central Bureau of Investigation,
Special Crime Branch,
Rajaji Bhavan, Besant Nagar,
Chennai – 600 090.

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Dr.G.JAYACHANDRAN,J.

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