



CrI.R.C.No.920 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 24.11.2022

PRONOUNCED ON : 28.04.2023

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.R.C.No.920 of 2021

1.M.Ravi

2.B.Kalaiselvi

... Petitioner

Vs.

State rep. by,
The Deputy Superintendent of Police,
CBI, 'SCB',
Chennai.

... Respondent

PRAYER: Criminal Revision is filed under Section 397 r/w 401 of the Code of Criminal Procedure, to set aside the order dated 09.01.2020 passed in Cr.M.P.No.773 of 2019 and Cr.M.P.No.1034 of 2019 on the file of the Court of Chief Judicial Magistrate, Coimbatore.

For Petitioner : Mr.Richardsan Wilson for
M/s.P.Wilson Associates

For Respondent : Mr.K.Srinivasan,
Special Public Prosecutor for CBI Cases

ORDER

The petitioners, who are parents of late Ms.R.Vishnupriya, the then Deputy Superintendent of Police, Thiruchengode Sub Division, Namakkal (For convenience hereinafter referred to as 'the deceased'), have filed this



Criminal Revision case to set aside the order, dated 09.01.2020 passed in Cr.M.P.Nos.773 & 1034 of 2019 by the learned Chief Judicial Magistrate, Coimbatore (Lower Court).

2.The Lower Court considered the protest petition/objections filed by the petitioners in Cr.M.P.Nos.773 & 1034 of 2019 and taken the same as private complaint. After examination of seven witnesses and on perusal of materials, the Lower Court dismissed the same under Section 203 Cr.P.C, vide order, dated 09.01.2020.

3.The backdrop of the case is as follows:

(i)The deceased late Ms.R.Vishnupriya, who was posted as Deputy Superintendent of Police in Thiruchengode Sub Division, Namakkal District, had unnatural death. She was found hanging in the bed room of her residence-cum-camp office on 18.09.2015, at about 05.30 p.m. In this regard, a case in Crime No.431 of 2015 was registered by Thiruchengode Town Police, Namakkal District on the same day and on the next day i.e., 19.09.2015, the investigation of the case was transferred to the file of CBCID who took over the case on 21.09.2015. Earlier, one Malaviya, Advocate moved direction



petition before this Court in Crl.O.P.No.24809 of 2015 seeking transfer of investigation to CBI and the same was dismissed on 09.10.2015. During CBCID investigation, the 1st petitioner herein, father of the deceased approached this Court and filed W.P.No.31447 of 2015 seeking transfer of investigation to CBI alleging that his daughter's death was due to torture and pressure exerted by her superior officers and by their verbal abuse. This Writ Petition was dismissed by this Court, vide order, dated 01.12.2015, against which, the 1st petitioner filed W.A.No.133 of 2016 before this Court. The Hon'ble Division Bench of this Court transferred the investigation to CBI vide judgment, dated 01.07.2016. As against the judgment, dated 01.07.2016, State approached the Hon'ble Apex Court in S.L.P.No.6745 of 2016. The Hon'ble Apex Court dismissed the same, by order, dated 24.10.2016 confirming the transfer of investigation to CBI ordered by this Court on 01.07.2016. Thereafter, the respondent herein registered a case in Crime No.RC 7(S)/2016 on 14.11.2016 and took up the investigation.

(ii) During investigation, it was found that the deceased was staying alone in DSP quarters. Two months prior to the incident, i.e., after 15.07.2015, her mother/2nd petitioner and Aunt were residing with her. On 16.09.2015 and 17.09.2015, she availed two days Casual Leave and took her



mother and Aunt to her native district Cuddalore, stayed there with them and later returned back alone to Namakkal on 18.09.2015 at early hours.

Thereafter, she went to road roko agitation, pacified the agitators and came back to her residence-cum-camp office at about 02.30 p.m., instructed her Office Assistant and staffs not to disturb her as she is to take rest. At about 05.30 p.m., she had to attend the Collectors officer. When the Driver and maid servant contacted the deceased, no response to the phone calls both land line, intercom and her mobile phone was also found switched off. The Driver and maid servant went around the house, opened window and saw deceased found hanging in bed room. Immediately, they alerted concerned Police personnels. The Senior Police personnel, Revenue officials, reached the scene, brought the body down, sent the body to Salem Government Hospital for postmortem, seized the suicide notes, electronic gadgets and video graphed the same. Investigation ruled out any foul play or third party entry/involvement in the suicide. During investigation, two hand written suicide notes, dated 15.07.2015 and another one dated 18.09.2015 which were recovered from the Scene of Occurrence, were subjected for forensic examination. The forensic report confirmed that there was no deletion, inclusion, erasion or any tampering in the writings or signature in both



suicidal notes. In both suicidal notes, she specifically mentioned that the decision to commit suicide is on her own. The suicide notes are in detail addressing to each of her family members. The electronic gadgets were also submitted to forensic examination. The Forensic Science Laboratory, Chennai gave a report with observation that complete study could not be made due to lack of software facility. After investigation transferred to CBI, the electronic gadgets of deceased sent to the Central Forensic Science Laboratory, Hyderabad (CFSL) and report of CFSL confirmed no video recordings found in the electronic gadgets of the deceased. After detailed investigation, closure report was filed by the CBI. On the objections of petitioners, the Lower Court refused to accept the closure report and directed further investigation on the grey area pointed. Thereafter, further investigation conducted, again closure report submitted, again protest petition and objections were filed by the petitioners. The Lower Court took the objections of the petitioners as private complaint, examined seven witnesses and confirmed the closure report of the CBI, vide order, dated 09.01.2020.

(iii)The petitioners' allegation is that Mr.Senthil Kumar, Superintendent of Police, Namakkal and Mrs.Vidhya Kulkarni, Deputy Inspector General of



Police, Salem Range exerted pressure on their daughter to make false arrest in a sensational case, namely, Gokulraj murder case. The petitioners further alleged that the suicide notes were not shown to them when they visited the scene on the same day night of the death of their daughter. The petitioners had some doubts over the suicide notes. Further, the petitioners' daughter was subjected to psychological pressure. The petitioners further alleged that the deceased mobile phone, laptop and tablet were found tampered with during investigation. In the suicide note, dated 15.07.2015, she mentioned that the reason for her suicide is available in the tablet by way of video recording. Her friends and colleagues on the next day of the suicide in a press conference clearly stated the reason for the suicide of petitioners' daughter. These factors have not been enquired and investigated by the CBI. Though the CBI registered the case and took up investigation, they hurriedly filed the closure report on 16.04.2018 on coming to the conclusion that the deceased committed suicide and there is no abetment or involvement of any higher officials. As against the said closure report, the petitioners filed their objection making allegation that the CBI has not independently investigated the case and failed to examine the Special Branch Inspector K.Raju. The statements of K.Raju, Deputy Superintendent of Police and K.Radhakrishnan,



Deputy Superintendent of Police were not properly considered and verified with regard to the correct date of seizure of the material objects. No explanation given in the closure report regarding the date of seizure of material objects. Added to it, the CBI failed to examine the material witnesses Maheswari, C.Chandrakala, A.G.Inigo Dhivyan, Muthamizh Muthalvan and Xavier Francis Beski personally and merely reproduced their earlier statements said to have been recorded by the CBCID Police. The material objects were not seized in presence of Revenue officials and further the same were not produced before the concerned Court immediately. The statements of the petitioners were not recorded by the CBI during investigation. These objections were considered, by a detailed order, by the learned Chief Judicial Magistrate, Coimbatore on 13.12.2018 returning the closure report with the following points:-

“34.Grey areas to be further investigated are as follows:

1. Contradictions in statement of witnesses and particularly the manner of seizure of electronic devices on 21.09.2015, where it is actually seized on 19.09.2015 to be clarified:

2. The RDO and the Thasildhar who were stated to have been present during the seizure of material electronic devices to be examined, so as to decide what really transpired at that time;



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3. *Whether the opening of main door was video graphed and whether the Head Constable 966 Ravikumar's mobile phone, has been seized, when admittedly the witnesses have stated that he only found the suicide note and took photographs of the same by scanning;*

4. *Why the seizure date of material electronic items were shown as if it was recovered on 21.09.2015 which was contradicted by Village Administrative Officer and Village Assistant;*

5. *The non examination of SP Senthilkumar regarding the call details made by him to deceased DSP Vishnupriya on 18.09.2015 at 14.14 hours, which lasted for 32 seconds;*

6. *Incidently the Investigation Officer can verify the audio, whatsapp conversation of DSP Vishnupriya and accused Yuvaraj in Gokulraj murder case and if the video clippings is true, the same can be considered for culling out any pressure on DSP Vishnupriya to invoke 'Goondas Act' by higher police officials. It is made clear that advantage of the the accused in Gokulraj murder case cannot take advantage of the same. The Investigation Officer can obtain whatsapp and face book details from the service providers to ensure the same;*

7. *Further the drama conducted by so called alleged CBCID officials at Salem lodge, who have been stated in interrogating the priest Vijayaraghavan and the non investigation of the said persons on the part of the Investigation Officer to identify such persons, who acted as CBCID officials*



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etc., creates doubt as to why they should conduct such instances and what was the motive behind the same;

8. Even the parents of deceased Vishnupriya and her close friend DSP Maheswari had alleged that DSP Vishnupriya was under heavy pressure due to her higher officials SP Senthilkumar, the Investigation Officer ought to have examined incidentally whether Vishnupriya was entrusted free leadership of investigation in Gokulraj murder case or whether she was made to sign as a signatory only are all factors to be analyzed in the background details of CDR.

9. It is further alleged by the parents of deceased Vishnupriya that due to the harassment, ill treatment and mis behavior of the SP S.R. Senthilkumar she was forced to commit suicide. This Court is aware of the fact that mere scolding or instructions by higher officials cannot be taken as an offence u/s. 306 IPC but the vital issue which needs to be introspected is that whether there is persistent pressure to deceased Vishnupriya to handle the investigation in a particular fashion has to be analyzed in the backdrop of the above contradictions in the statements of vital witnesses and the manner in which the material electronic devices were seized on a particular date.

10. This court makes it clear that the investigation done by the premier Investigation Agency CBI is not found fault with but the investigation has been circled within the ambit of this case, but Incidentally the Investigation Officer ought to have cross checked the so called whatsapp video conversation and if it is



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true, whether DSP Vishnupriya invoked 'Goondas Act' of some of the accused in her own wish or under pressure from any other quarters. It is again made clear that with regard to Gokulraj murder case, already charge sheet has been filed and the present Investigation Officer need not go into the question of merits of that case and only for limited aspect it can be done as aforesaid.

11. Since the seven witnesses stated in the objection report are ready to depose before this Court us. 164 Cr.PC, the Investigation Officer is directed to examine the said seven witnesses and if they choose to depose before this Court, then steps can be taken by the Investigation Officer;

12. The Investigation Officer is free to exercise his discretion in the investigation process and that if it is feasible, the same may be completed within six months;

13. Since DSP Vishnupriya was holding a top post in the police department, without any concrete reasons being projected on credible materials, the same cannot be closed unless the real cause of death to be found out. This Court is of humble view that only to bring out the truth, the premier Agency has been entrusted by the Hon'ble High Court and that to advance substantial justice, further investigation is ordered on the above lines.”



(iv) Thereafter, again, the CBI filed the closure report, dated 28.08.2019

before the Lower Court giving reasons with final analysis, which are as follows:

“Final Analysis

Scientific Evidence:

(a) Both hand written suicide notes ie, one dated 15-7-2015 and another one dated 18-9-2015 which were recovered from the residence of deceased Vishnupriya were subjected to forensic examination and vide Expert opinion No. 262/2015 Dt.15-10-2015. the writings were also confirmed as that of DSP Vishnupriya and report also confirmed that there were no indication of any deletion or addition in the writings or signature in both suicide notes.

(b) The postmortem of Vishnupriya was conducted at Mohan Kumaramangalam Medical College and Hospital, Salem on 19-9-2015 by a team of doctors and the forensic doctors after postmortem and CFSL examination report on viscera have opined that, "the deceased Vishnupriya, would appear to have died of asphyxia due to hanging, 18 to 24 hrs prior to autopsy".

*(c) A team consisting of Senior Forensic members from Central Forensic Science Laboratory, Hyderabad inspected the Scence of Occurrence and submitted their report vide Opinion No. CFSL (H)/SOC/2016/6390 Dt.1-2-2017. The SOC was re-constructed. The CFSL experts have opined that “**based on the***



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interference drawn from the reconstruction and thorough Forensic observation at SoC, the Forensic Team is of the opinion that it was found to be consistent with that of suicidal hanging”

Other relevant factors

(d) Though the parents of Vishnupriya were alleging ill treatment and torture by SP, it is pertinent to mention that in Salem Sub Division, there were two more DSP who belongs to Vishnupriya's batch were on probation and among the three, Vishnupriya, DSP is the only one to have completed probation at the first available opportunity as SP Senthil Kumar and DIG have recommended for the confirmation for Vishnupriya and in other cases, respective SP-s have extended the probation to the batch mates of Vishnupriya. Further Shri Senthil Kumar, SP in his confidential note in the CR has also specifically appreciated the investigation conducted by R.Vishnupriya in the Gokulraj murder case. Further, it is submitted that incidentally the DIG during that time was also a lady officer and she has also ruled out any complaints against SP relating to his conduct or behavior from any officer including vishnupriya and confirmed that there was no pressure exerted on her from any quarter w.r.t. Gokulraj murder case and since the case is sensitive and was followed and reported in the media regularly, there was a duty cast on every one to do their role in the investigation

(e) The suicide note dt. 18-9-2015 starts with the writing “This is my third suicide attempt.. Hope I succeed in this



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time..." This will clearly reveal the suicidal tendency and state of mind of Vishnupriya. Considering the fact that he was only 7 months experienced in regular posting, it is very unusual and abnormal to see that she had attempted to commit suicide on three occasions. It is also submitted that Gokulraj murder case was reported on 24-6-2019 only.

(f) Though the parents of Vishnupriya have alleged harassment and torture by higher Police officers as reasons for the death of Vishnupriya, in the suicide note dated 15.7.2015 and 18.9.2015 nothing in general or particular is mentioned about harassment by any police officer and on the contrary it is specifically mentioned that "Sorry to all my officers and friends of police department". I think I have left lot of dust for you to clear". Sorry again.

(g) Similarly in the suicide note dated 15.7.2015, it is clearly mentioned that she is vexed and that is why decided to commit suicide. Further it is also clearly mentioned that "I am the 10 of a sensitive case, Please don't relate my death to the case. It would be bull shit. I want to be peacefully leave my family. Don't disturb them after my death." This would clearly shows that there is no mention of any police official or official work pressure being reasons for her suicide.

(h) Investigation clearly proved that temple priest Vijayaraghavan with whom DSP Vishnupriya came into acquaintance was having a liking on her and expressed indirectly to Vishnupriya and they were having lot of call



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contacts and the duration and timings of these calls clearly shows that these cannot be just like that brushed aside as normal calls.

(i) Similarly, after her regular posting to Tiruchengode sub division and after the reporting of Gokulraj murder case, Ms. Vishnupriya was having regular contact with Advocate Malavia, who was then working as Asst. to State PP in the Madurai Bench of Madras High Court. The call pattern including the number of calls, duration and timings are highly abnormal. Even on the day of death Vishnupriya was continuously in touch with Advocate Malavia. Infact, during investigation, the parents of Vishnupriya have admitted that she has suggested his name also to them to consider as prospective groom and according to them when they verified his background through DSP Maheshwari, they came to know that he is a divorce and hence informed Vishnupriya about the same and she also promised them that she will not speak to him at all. However, the CDR of Vishnupriya clearly shows that on 18-9-2015, after landing from her home town to Tiruchengode also, she was speaking to him continuously.

(j) Infact when Vishnupriya switched off her mobile phone after reaching her camp office residence. Malavia was desperate enough to call her on camp office land line phone but could not speak to her as the call was not connected by the PC as he was instructed by the DSP not to connect any calls as she is going to take rest. Hence, the possibility of Vishnupriya



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been upset at not able to marry the man of her choice though she was already 28 years, could not be completely ruled out.

(k) It is also submitted that after the suicide attempt w.r.t. the one mentioned in her suicide note dt. 15-7-2015, the mother and aunt of Vishnu Priya, DSP came to Tiruchengode and stayed together, they were staying with her till 16-9-2015. On 16-9- 2015, Vishnupriya, DSP availed leave in the guise of visiting her ailing aunt in her native, took both her mother and aunt and proceeded to her native Cuddalore and was with them and returned to Tiruchengode on 18-9-2015 morning only. Even while leaving the camp office home on 18-9-2015 to attend to the small L&C issue relating to a rift between a Police constable and a school teacher, she did not leave the key with the maid, as is the normal practice and again after returning to camp office and again when going to Tiruchengode Town PS, when the maid asked for the house key, she did not return, which indicates that probably Vishnupriya, DSP had already made up her mind.

(l) It is respectfully submitted that CBI investigation was conducted in a free and fair manner and all possible angles relating to the death were investigated in detail. Further, with due respects to the sentiments of the family members, their doubts and apprehensions, irrespective of the rational behind them, were also looked into considering all the circumstances surrounding the issue.



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(m) Investigation by CBI clearly proved that the death of Vishnupriya was suicidal in nature and there was no abetment of the same.”

(v) Again, the petitioners were served with the notice and on receipt of the same, they filed their objections and the same was taken as protest petition in Cr.M.P.No.773 of 2019. The order passed on 21.11.2019 in Crl.M.P.No.773 of 2019 is as follows:-

“DATED: 21.11.2019

Crl.M.P.No.773 of 2019

*Both counsel present. Respondent Mr.Ravi Present.
Heard Both counsels in respect of further Investigation report.
After perusal of records and hearing the arguments, this court feels that in spite of the direction of this Court dated 13.12.2018 in serial number 11, the Investigating Officer has not examined A.G.Inigo Dhivyan, Muthutamil Muthalvan and Saviour Francis Beskai. Further, he has not asked the witnesses whether they are ready to depose before this Court under Sec. 164 of Cr.P.C. or taken any such steps to examine them through Court. The said non examination has been seriously disputed by the respondent's counsel. The Additional Public Prosecutor also admitted the said flaw and prepare to direct the Investigation Officer to record the further statement of the said 3 witnesses and submit before the Court. However, this Court feels that after filing of the closure report, no purpose will be served by*



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recording further statement of the said 3 witnesses. This Court also pointed out to the respondent/Victim's counsel that no specific allegation or incident has been alleged in the objections filed on 25.10.2018 and 07.11.2019 about the abetment of suicide. In the statements recorded under Sec. 161(3) of Cr.PC statement also, no particular or specific incidents have been stated by the witnesses, except the oral instructions given by the superior officer or Superintendent of Police during the course of employment. In order to find out the truth, this Court has decided to keep the final report pending till conducting inquiry under Sec.202 of Cr.PC on the objection filed by victim on 25.10.2018 and 07.11.2019. By conducting the said inquiry, the grievances of the victim will also be resolved and it will give the clear picture about the occurrence. In view of the said findings, this Court has decided to conduct the inquiry under Sec. 202 of Cr.PC. on the objections filed the victim, which have been taken as protest application. The respondent Victim has been directed to appear on 22.11.2019 with all his witnesses for inquiry under Sec.202 of Cr. P.C.

*Chief Judicial Magistrate,
Coimbatore.”*

(vi) Thereafter, the protest petition was converted as private complaint and seven witnesses namely the 1st petitioner, father of the deceased and six others, namely, PW1-Kalaiselvi, the mother of the deceased/2nd petitioner; PW2-Xavier Fransis Beski, Additional Superintendent of Police, Vellore;



PW3-Maheswari, Deputy Superintendent of Police, Keezhakarai, who is colleague and friend of the deceased, both attended coaching class and studied together for competitive exams and with whom the deceased had intimate relationship; PW4-Inigo Dhivyan, Deputy Superintendent of Police, a colleague, batch mate, PW5-Chandrakala, Sub Inspector of Police, Thiruchengode Police Station and PW6-Muthamizh Muthalvan, the then Deputy Hosur Superintendent of Police, Hosur, were examined. On recording the evidence and on perusal of materials produced, the Lower Court had come to the conclusion, by order, dated 09.01.2020, which is as follows:

*“33. **Conclusion:-** According to the facts of the case in hand, this court opined that the deceased was a 'coward' and said that instead of facing the problem in the family or department, she perished like and unsuccessful woman in life foolishly. It essentially asserted that the said Senthilkumar, S.P cannot be charged as being liable for such acts of the deceased. The records at hand, could not reveal any wilful conduct, which is of such a nature as is likely to drive the deceased to commit suicide. It also requires an active act or direct act which led the deceased to commit suicide seeing no option and this act, must have been intended to push the deceased into such a position that she committed suicide. In view of the facts and circumstances of the case, the court opined that the alleged act of abusing, scolding, ill treating, torturing, misbehaving, etc...*



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and taking extra work from the deceased, cannot be equated into the abetment the deceased to commit suicide. If higher officer compels her subordinate to do extra work, which is unbearable, then she has no other several options and it cannot be said that he had no other option except to commit suicide. Therefore, the higher officials cannot be held responsible for the suicide of the deceased Vishnupriya, as there is no mens rea to abet the deceased for commission of suicide. As already stated above, those words or attitude may constitute other penal provisions, but not abetment to suicide. This court is not standing on the way to initiate any legal action against Senthilkumar for the alleged allegations. The deceased Vishnupriya in a fit of depression committed suicide. Hence, this court finds that the final report has to be accepted and cognizance under Sec. 306 of I.P.C. cannot be taken against the said higher officials, particularly Senthilkumar, Superintendent of Police.”

4.Learned counsel for the petitioners submitted that the Lower Court had given a verdict on assumption and presumption and on personal opinion, rather deciding the case based on the materials on records both oral and documentary. He further submitted that despite specific direction given earlier to record the statements under Section 164 Cr.P.C of seven witnesses, no steps



taken by the CBI. Without recording the statement under Section 164 Cr.P.C., the second closure report was filed. Learned counsel further submitted that the electronic gadgets which were seized on 18.09.2015, handed over to CBCID on 21.09.2015. Between two days (19.09.2015 & 20.09.2015), under whose custody, these items were kept, is not known. The statements of Village Administrative Officer and Village Assistant are contrary and chain of custody not properly explained. The conversation between the deceased and accused Yuvaraj in Gokulraj murder case, were not studied to rule out the possibility that whether there was any pressure from higher officials on the deceased to carry on the investigation in a particular manner to suit the higher officials. In the suicide note, dated 15.07.2015, the deceased stated that there is a recording in the tablet which would give answer for her suicide, but the same has not been done for the simple reason that no such recordings are available. The Forensic Science Laboratory, Chennai had given reason that no such software or facility is available in Chennai, to make such study.

5. Learned counsel further submitted that the Court below not considered the suicide notes in its entirety, but selectively considered and approved the closure report. For missing of diary from the Scene of



Occurrence, no steps taken. The witnesses examined by the Lower Court are mostly Police officials present and past who have all given evidence to the effect that the deceased was ill-treated and insulted by the superior officer, namely, Superintendent of Police Senthilkumar. Further, the deceased informed her friend Maheswari, Deputy Superintendent of Police, a batch mate that she being scary the manner in which the Superintendent of Police Senthilkumar conducted inspection and also informed that prior to declaration of her probation, the Superintendent of Police Senthilkumar threw files, insulted her during crime meetings in presence of subordinates and colleagues, passed comments on her appearance, colour and her social background. For the declaration of probation, the inspection was conducted on 15.07.2015 by the Superintendent of Police Senthilkumar, now claimed given approval for probation on 17.07.2015, but the same was kept pending, declared completion of probation only on 18.09.2015, the date of her suicide which causes great suspicion. For what reason such long delay in communicating the probation declaration, is not known and no reason given for the same. On the contrary, PW3-Maheswari, Deputy Superintendent of Police and PW5-Chandrakala, Sub Inspector of Police categorically stated that the Superintendent of Police Senthilkumar visited the office on 15.07.2015 for



inspection for the work of completion of probation and left the office within five minutes, which is contrary to the normal inspection of 1 to 1½ hours and thereby, implying that the inspection was not satisfactory and the probation of the deceased will not be declared. The harassment and humiliation were persistent through out her posting period in Thiruchengode by the Superintendent of Police Senthilkumar immediate superior to whom the deceased reported on a day-to-day basis, not considered.

6.He further submitted that the explanation given by the Superintendent of Police Senthilkumar has been accepted despite contrary materials available by way of sworn statement. In the second closure report, the CBI observed that the Superintendent of Police Senthilkumar, had written commendable note in the service records of the deceased and recommended for declaration for her probation without verifying whether these positive remarks were communicated or informed to the deceased. Despite the grey areas pointed out, nothing considered and clarified in the further investigation. Despite the same, the Lower Court accepted the second closure report filed by the CBI. The observation made by the CBI in the closure report that “*the possibility of Vishnu Priya been upset and not able to marry the man of her choice, though*



she was 28 years old, could not be ruled out” is unwarranted. In the family of the deceased, there was no serious discussion or any rejection of proposal with regard to her marriage. Further observation is that “*the correct reason for suicide is known to Vishnupriya or God only*” is not the remit of the investigation. Thus, the Lower Court accepted the closure report merely on by giving assumption and presumption and by giving personal opinion commenting on the courage and nature of the deceased, is not proper. The Lower Court ought to have considered the closure report, whether to accept it or not based on the statement and materials produced both oral and documentary and not otherwise.

7.Learned counsel further submitted that the witnesses examined before the Lower Court namely PW3-Maheswari, Deputy Superintendent of Police, PW4-Inigo Dhivyan, Deputy Superintendent of Police and PW5-Chandrakala Sub Inspector of Police have all clearly deposed the manner in which the deceased was tortured, humiliated and insulted at the hands of the Superintendent of Police Senthilkumar. These facts were not properly considered and appreciated by the Lower Court. Had it been done properly, it would lead to irresistible conclusion that the suicide was abetted by the act



and attitude of Superintendent of Police Senthil Kumar. The observations made in the impugned order by the Lower Court that “*the deceased was a 'coward' and that instead of facing the problem in the family or department, she perished like an unsuccessful women in life*” are without any materials and uncalled for. Thus, the respondent and the Lower Court not addressed the objections of the petitioners, who are the pitiable parents of the deceased, who had been nipped in the bud at a young age. The deceased thrived hard to reach such position, her carrier ought to be blossomed, but vanished due to harassment and torture at the hands of the Superintendent of Police Senthilkumar. The respondent/CBI failed to consider the materials available with regard to abetment of suicide at the hands of the Superintendent of Police Senthilkumar. Added to it, the Lower Court failed to consider the fact that the Superintendent of Police Senthilkumar was making persistent harassment and torture to the deceased, despite the evidence of PW3 and PW5 conclusively proved the same. The Lower Court in one stretch observes that the Court is not standing on the way to initiate any legal action against the Superintendent of Police Senthil Kumar for the alleged allegations, on the same breadth gives a finding that the final report has to be accepted and cognizance under Section 306 of IPC cannot be taken against the said higher official.



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8.Learned counsel further submitted that the intemperate language used against the deceased to be deleted, there is no material to substantiate the same. More so, the concerned person is no more to give explanation for the same. In such circumstances, the Lower Court ought to have avoided using such intemperate language, which would only cause further harassment and ignominy to the family members of the deceased. Hence, learned counsel prayed to set aside the impugned order, dated 09.01.2020 and to direct the Lower Court to take cognizance of the final report against the preparators of the crime.

9.In order to substantiate his arguments, the learned counsel for the petitioners relied on the following citations:-

(i)“***Chitresh Kumar Chopra Versus State (Government of NCT of Delhi)*** reported in ***(2010) 3 Supreme Court Cases (Cri) 367***” for the point that to constitute "instigation", a person who instigates another has to provoke, incite, urge or encourage doing of an act by the other by "goading" or "urging forward". The dictionary meaning of the word "goad" is "a thing that stimulates someone into action: provoke to action or reaction" (See: Concise



Oxford English Dictionary); "to keep irritating or annoying somebody until he reacts" (See: Oxford Advanced Learner's Dictionary - 7th Edition).

(ii)“*State of U.P Versus Mohammad Naim* reported in *AIR 1964 SC 703*” for the point with regard to deleting improper observation made in the Conduct orders of the Court, commenting upon the conduct without giving an opportunity of explaining or defending himself whether such remarks is necessary for the decision of the case.

(iii)“*Abani Kanta Ray Versus State of Orissa and others* reported in *1995 Supp(4) Supreme Court Cases 169*” for point that establishing norms of judicial propriety and restraint expected from everyone discharging judicial functions. Use of intemperate language or making disparaging remarks against any one unless that be the requirement for deciding the case.

(iv)“*Praveen Pradhan Versus State of Uttarachal and another* reported in *(2013) 1 Supreme Court Cases (Cri) 146*” for the point that instigation has to be gathered from the circumstances of each case. No straight-jacket formula can be laid down to find out as to whether in a



particular case there has been instigation which force the person to commit suicide. In a particular case, there may not be direct evidence in regard to instigation which may have direct nexus to suicide. Thus, inference has to be drawn from the circumstances and it is to be determined whether circumstances had been such which in fact had created the situation that a person felt totally frustrated and committed suicide.

(v)“*Rama Chaudhary Versus State of Bihar* reported in (2009) 2 *Supreme Court Cases 346*” for the point that the prime consideration for further investigation is to arrive at the truth and do real and substantial justice. The hands of investigating agency for further investigation should not be tied down on the ground of mere delay.

(vi)“*Hasanbhai Valibhai Qureshi Versus State of Gujarat and others* reported in (2004) 5 *Supreme Court Cases 347*” for the point that further investigation is not altogether ruled out merely because cognizance has been taken by the Court. When defective investigation comes to light during course of trial, it may be cured by further investigation if circumstances so permitted.

10.*Per contra*, learned Special Public Prosecutor for CBI Cases



appearing for the respondent submitted that the case was entrusted to the CBI on the directions of this Court in W.A.No.133 of 2016, dated 01.07.2016. As against the same, State had gone for appeal by way of S.L.P.No.6745 of 2016. The Hon'ble Apex Court dismissed the same confirming the judgment of the Writ Appeal of this Court, dated 01.07.2016. Thereafter, FIR in Crime No.RC 7(S)/2016 CBI/SCB/Chennai registered and further investigation conducted and closure report, dated 14.04.2018 filed before the Lower Court. Thereafter, on the objections filed by the petitioners, dated 25.10.2018, a detailed order, dated 13.12.2018 was passed by the Lower Court. In the order, referring to certain grey areas, directed the CBI to conduct further investigation. The Lower Court finding no fault on the Investigating Officer, entrusted the further investigation to the same Investigating Officer. As per direction, further investigation conducted and on 28.08.2019, a detailed second closure report was filed by the CBI addressing all the queries raised by the Lower Court. Thereafter, notice was served to the petitioners, who on receipt of the same, filed their objections on 02.11.2019. The Lower Court considering the objections, converted the same as private complaint and thought it fit to examine seven witnesses including the petitioners. After examining the witnesses and looking the materials and statements a fresh, the Lower Court



passed the impugned order confirming the closure report filed by the CBI with a rider that superior officials can take legal action against the Superintendent of Police Senthilkumar for the statement made by the witnesses during investigation as well during enquiry and observed that the materials would not constitute the offence of abetment for suicide, but it is for the superior to officials, who to take any other action in accordance with law.

11.Learned Special Public Prosecutor further submitted that in this case, the deceased left two suicide notes, dated 15.07.2015 and 18.09.2015. In the suicide note, dated 18.09.2015, it is stated that *“This is my 3rd attempt to suicide. Hope this gets successful. None one is responsible for may death. All that has happened to me all my life is only because of me”*. He further submitted that as regards the apprehension of the petitioners that on 18.09.2015 during evening/night, the Village Administrative Officer and his Village Assistant attested the seizure mahazar for seizure of material objects. Since the suicide is of a senior official, it caused sensational among the public and Police personnels. The Investigating Officer immediately rushed to the Government Hospital for postmortem on the night of 18.09.2015 to Salem, and returned to headquarters on 19.09.2015, by that time, the investigation of



the above case was transferred by the Director General of Police to CBCID.

The CBCID took over the case on 21.09.2015. Hence, the material objects was handed over to the CBCID on 21.09.2015. There was some anomalies in this regard, which have been explained and verified with the records.

12.During this period, Raju, Deputy Superintendent of Police, Rasipuram was the initial investigating officer. Since he had to proceed Salem Government Hospital, he handed over the material objects collected in the scene to K.Radhakrishnan, Deputy Superintendent of Police, Paramathy Velur, who was present in the Scene of Occurrence and guarding the place. The said K.Radhakrishnan, Deputy Superintendent of Police, Paramathy Velur given the material objects to one Muthukumar, Grade-I Constable who had computer knowledge and well versed in cybercrime technology, posted in cyber wing of the District Superintendent Office, who verified the Call detail records. The said K.Radhakrishnan, Deputy Superintendent of Police, Paramathy Velur handed over the material objects to Muthukumar to ascertain any postings or recordings in the laptop, tab or in the mobile phone. Since the mobile number has to be ascertained for collecting call detail records, the said Muthukumar switched on the mobile phone of the deceased, made a call to his mobile to



confirm the mobile number for the purpose of investigation and nothing more.

These facts recorded in the statement of Raju, Deputy Superintendent of Police, Rasipuram and K.Radhakrishnan, Deputy Superintendent of Police, Paramathy Velur and Muthukumar, Grade-I, Constable. Finding no foul play, the seized material objects were submitted through the concerned Court for forensic examination. The forensic expert suggested that nothing is found pointing out abetment of suicide. As regards recording of statement under Section 164 Cr.P.C., it is prerogative of the Police to do so. The statement under Section 161 Cr.P.C., of seven witnesses already recorded, the Investigating Officer found no reason to sponsor for the statement under Section 164 Cr.P.C.

13.It is further submitted that in both suicide notes, dated 15.07.2015 and 18.09.2015, the deceased not mentioned any harassment or torture etc., by the Superintendent of Police Senthilkumar or any of the officials. It is also submitted that in the suicide note, dated 18.09.2015, it is recorded that *“Sorry to my officers and friends of police department. I think I have left a lot of dust for your to clear. SORRY AGAIN”*. Thus, by no stretch of imagination, it can be construed that the Superintendent of Police Senthilkumar or any other



Police officers are the reason for suicide of the deceased. Added to it, in the suicide note, dated 15.07.2015, she clearly stated that *“Please don't create stories. I am vexed that's why. I have decided to suicide. I am the I.O of a sensitive case. Please don't relate my death to the case. It's would be bull shit”*. In the same suicide note, she also mentioned that *“not to ask compensation for her death if any one instigates ask them to shut their mouth and not to create trouble, nobody did any harm to her and nobody can harm her which is known to her mother”*. This clearly shows that the deceased committed suicide for her own reasons. During investigation, both suicidal notes forwarded to the handwriting expert, who confirmed the handwriting of the deceased and found suicide notes written by the deceased and found no deletion, erasion or inclusion in the suicidal notes.

14.He further submitted that the material objects, namely, mobile phone, tab and laptop of the deceased were subjected to forensic analysis and found no video recordings available. It is likely that after 15.07.2015, she deleted the suicide note recording or no such recording made. The allegation of the petitioners seems to be based on the suicide note, dated 15.07.2015. He further submitted that the CBI investigated the case thoroughly in unbiased



manner and found there is no material for abetment by any of the superior officials prior to 18.09.2015. It is to be seen that on 16.09.2015 and 17.09.2015, the deceased availed two days Casual Leave and went to her native Cuddalore along with her mother/2nd petitioner and aunt, stayed there for two days, met her family members and she was in a normal mood. It is further to be seen that two months prior to the occurrence i.e., sometime after 15.07.2015, the mother/2nd petitioner and Aunt of the deceased were staying along with the deceased in Thiruchengode. Further submitted that from the suicide notes, dated 15.07.2015 and 18.09.2015, the deceased attempted to commit suicide earlier and this is the third attempt. On 15.07.2015, she had rat poison which was informed to one Malaviya, Advocate, who in turn immediately informed to batch mate and close friend Maheswari, who contacted the deceased, questioned her and the deceased took treatment in Suguna Hospital, Erode for stomach pain. This incident was glossed over by the deceased stating that mistakenly she had come in contact with rat poison. Hence, the apprehension and allegation of the petitioners are on a wrong premise. He further submitted that shortly prior to 18.09.2015, the deceased had spoken to Maheswari and informed her frustration in her life and to commit suicide. When Maheswari further questioned about the same, the



deceased passed over the subject without deliberating. He further submitted that in this case, the Lower Court converted the protest petition into private complaint and examined seven witnesses and found no material for abetment of suicide and rightly accepted the closure report. He further submitted that CBCID ought to have ascertained the chain of custody of the electronic gadgets seized, were not handled in a scientific way, giving no scope for any loss of data or evidentiary value. For this reason, the electronic gadgets were again sent for analysis and study to CFSL, Hyderabad, who retrieved the data, made study and gave report dated 27.04.2017 finding no video recordings giving reason for suicide in the suicide note, dated 15.07.2015 and no tampering found. Further found no memory cards in two mobiles and in the tab. He further submitted that after allegation of moral turpitude linking Vijayaraghavan, Priest of Temple was found to be false. The witnesses have denied the same, a stage mannered drama enacted by CBCID which is of serious concern. He further submitted that the medical evidence confirms the morality of the deceased. The order of the Lower Court is a detailed one giving answers to the apprehension and doubt raised by the petitioners. The learned Special Public Prosecutor fairly submitted that some improper



reference made against the deceased in the order, dated 09.01.2020. The same can be deleted.

15.This Court considered the rival submissions and perused the Case Diary and other materials available on record.

16.It is not in dispute that at the instance of petitioners herein, case in Crime No.431 of 2015 was transferred from the file of the CBCID to the file of CBI as per order of this Court in W.A.No.133 of 2016, dated 01.07.2016. As against the same, State preferred an appeal before the Hon'ble Apex Court in S.L.P.No.6745 of 2016 and the same was dismissed on 24.10.2016 confirming the order of this Court in W.A.No.133 of 2016. Thereafter, the CBI registered FIR in RC 7(S)/2016, dated 14.11.2016. The CBI after completion of investigation filed the closure report on 14.04.2018, against which, objections by way of protest petition filed by the petitioners. After hearing submissions and considering the statement and materials, the Lower Court by order, dated 13.02.2018 directed the CBI to conduct further investigation pointing out 13 grey areas to be investigated, which included the manner in which the seizure of electronic devices/material objects made.



Though the material objects were seized from the Scene of Occurrence on 18.09.2015, it is recorded that the seizure of material objects made on 21.09.2015, for which the statement of the Village Administrative Officer and Village Assistant were relied by the petitioners.

17. On perusal of the statements and relevant documents, it is seen that the 12 material objects, namely, Samsung phone, Lenovo tab, Lenovo laptop, Sony camera and other articles were seized on 18.09.2015 i.e., before transfer of case to the file of CBCID. The case was transferred from the file of the Inspector of Police, Thiruchengode Town Police Station to the file of CBCID on 19.09.2015. Since 19.09.2015 & 20.09.2015 being Saturday and Sunday, sometime took for the order to reach. Hence, the CBCID took up investigation on 21.09.2015. The seized articles/material objects were produced before the concerned Court and sent to Forensic Science Laboratory, Chennai. From the statements of Village Administrative Officer and Village Assistant, variation of date on which the material objects were seized is found. Both the witnesses given statements that they were asked to come to camp office i.e., the Scene of Occurrence on 19.09.2015. At about 11.30 a.m., the Scene of Occurrence was searched and material objects were seized, but



signatures obtained only on 21.09.2015. Hence, it is shown the seizure of material objects made on 21.09.2015.

18. During the investigation conducted by the CBI, the CBI contacted the CBCID officials in Salem and requested to send the copy of video recording of the search made on 19.09.2015 in the Scene of Occurrence. It is seen one Ravikumar, Head Constable, Special Branch CID who along with Kulasekaran, Inspector, Thiruchengode Town Police Station; Chandrakala, Women Sub Inspector; Selvam, Inspector, Prohibition Enforcement Wing and Rajavelu, Head Constable, Special Branch CID had gone to the house of the deceased, broke open the bed room door. One Manikandan kicked the main door which was closed from inside and thereafter, all of them went inside and saw the bed room locked from inside. After breaking open the bed room door, they went inside and the same was video graphed. Since it is a suicide of Senior Police Officer, the suicide notes were scanned by the Special Branch Police Constable in his mobile and sent to his Inspector. In sensational cases, such information and particulars are collected and sent to Special Branch Police, who keep a tab of the important and sensational events, which has nothing to do with the investigation.



19.V.Raju, Deputy Superintendent of Police, Rasipuram, who conducted investigation from 18.09.2015 to 21.09.2015, was examined. He has stated that apart from himself, there were few other Deputy Superintendents of Police and Additional Deputy Superintendent of Police in the Scene of Occurrence, namely, Chandra Mohan, Additional Superintendent of Police; Radhakrishnan, Deputy Superintendent of Police, Paramathy Velur; Manokaran, Deputy Superintendent of Police, Namakkal and Rajavel, Deputy Superintendent of Police, District Crime Records Bureau. The Superintendent of Police Senthilkumar spoke to the father of the deceased in presence of revenue officials including Revenue Divisional Officer. He further stated that the bed room where the deceased committed suicide was opened and the same was videographed. The suicide notes recovered from the Scene of Occurrence. The body of the deceased was sent to the Government Hospital, Salem for postmortem on 18.09.2015 at about 08.30 p.m. He further stated that the electronic gadgets of the deceased were handed over to Radhakrishnan, Deputy Superintendent of Police, Paramathy Velur for safe custody. Since V.Raju, Deputy Superintendent of Police, Rasipuram had to proceed to Salem, Radhakrishnan, Deputy Superintendent of Police, Paramathy Velur was stationed at the scene of occurrence to keep the place



secured from any intervention.

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20.Muthkumar, Grade-I Police Constable from the District Police Office, Namakkal, a Graduate in Science was doing Call Details Record analysis work in respect of the cases in Namakkal District. He used to obtain Call Details Records from various service providers, study the details and coordinate with the concerned Police Stations. He confirms that he reached the camp office around 11.00 p.m., at that time, Radhakrishnan, Deputy Superintendent of Police was there, who handed over the mobile phone, laptop and tab of the deceased and instructed the said Muthukumar to switch on the same and find out availability of any contents in connection with the crime. The said Muthukumar switched on the mobile phone, at that time, Short Message Service (SMS) received. He informed that the phone contacts and phone memory found nothing. He searched the dial logs, gallery and found nothing. He confirmed that there was no memory card in the mobile phone and there was no password to the mobile phone, he opened the tab and found three photos in the internal memory and there was no memory card in the tab. In both the mobile phone and tab, there was only internal memory and no memory cards found. When he tried to open the laptop, there was password to



the laptop, hence, he could not open the same. Thereafter, the said Muthukumar was asked to remain till Raju, Deputy Superintendent of Police, Rasipuram, the Investigating Officer reaches back from Salem only for the purpose of obtaining Call Detail Records of two mobile phones of deceased, the said Muthukumar to ascertain and confirm the phone number, he made phone call from the deceased mobile to his mobile and thereafter, he deleted that particular call record. It is seen that 25 items seized from the scene of occurrence submitted to the concerned Court in C.P.Nos. 12, 13 & 14 of 2015 and the same sent to Forensic Science Laboratory, Chennai. From the report of Forensic Science Laboratory, Chennai, it is found that no video files available, stored in the internal memory and no deleted entries in tab/PC, but the study could not be completed due to the connectivity failure in the software. Hence, it was suggested that the tab of the deceased to be forwarded to the Central Forensic Science Laboratory, Hyderabad for expert opinion.

21. On examination of mobile phone, tab, laptop, hard disk, pendrives, memory card, micro camera, the Forensic Science Laboratory, Chennai came to conclusion, which are as follows:-



(1) No recorded audio, video files (Active/Deleted) pertaining to suicide or cause of death of any person or a person in the name of the deceased could be retrieved.

(2)(a) No email communication document files related to the suicide or cause of death of any person or a person in the name of the deceased could be retrieved.

(b)(i) From the mobile phones, no active document/audio/video files pertaining to suicide or cause of death of any person or a person in the name of the deceased could be retrieved.

(ii) The deleted files information could not be retrieved from the said mobiles/Tab/PC due to non-availability of supporting forensic tools for physical accusations and extraction of internal memory.

(c) From multimedia player, no active document/audio/video files pertaining to suicide or cause of death of any person or a person in the name of the deceased could be retrieved.

22. Thereafter, the material objects forwarded to the Central Forensic Science Laboratory, Hyderabad. In the meanwhile, the personnels of the Central Forensic Science Laboratory, Hyderabad inspected the Scene of



Occurrence to study and rule out any mischief in the suicide. They gave a report, dated 31.01.2017 with a conclusion that based on the inference drawn from the reconstruction and thorough forensic observation in the Scene of Occurrence, the forensic team is of the opinion that it was suicidal hanging.

23.During investigation, the CBI collected the material objects and reports from the Central Forensic Science Laboratory, Hyderabad. The report is that the contents of the Tab did not show any video file as alleged in the suicide note, dated 15.07.2015, relating to earlier suicide attempt and it was also confirmed that there was no deletion in the tab and as such, no useful proof available in the expert opinion received from the Central Forensic Science Laboratory, Hyderabad. Thus, to rule out the possibility of any foul play in the material objects, all steps taken. Earlier, the Forensic Science Laboratory, Chennai could not complete its examination of the material objects due to want of software. This anomaly cleared by submitting the material objects to the Central Forensic Laboratory, Hyderabad, who verified the material objects and given a report, dated 24.07.2017. After study of these reports, finding there is no erasure, insertion and no material found in any form either audio, video or messages in the material objects about the suicide



and after ruling out all possibilities, the respondent came to conclusion as regards the material objects. Thus, the suspicion and doubt of the petitioners on the seizure and examination of material objects of the deceased, properly addressed and found no foul play.

24.As regards non examination of Superintendent of Police Senthilkumar at that point of time for causing harassment and torture on the deceased is concerned, it is seen that on 10.07.2017, the said Superintendent of Police Senthilkumar was examined and his statement recorded. It is further seen that in the sensational murder case of Gokulraj, investigated by late Vishnupriya. Since the incident took place within the jurisdiction of Thiruchendoge Sub Division, further ten Police special teams formed. With regard to inspection of the Superintendent of Police Senthilkumar and the Deputy Inspector General of Police for probation clearance, the Superintendent of Police Senthilkumar ensured Chandramohan, Additional Superintendent of Police to help the deceased in preparing the inspection reports. The Superintendent of Police Senthilkumar denies the allegation that he used to insult the deceased in public and during meetings. He stated that the deceased was a lady officer residing alone, on every available opportunity, whenever she requested, she was permitted to take leave. On 18.09.2015, she



returned back to Thiruchengode after availing two days Casual Leave on 16.09.2015 and 17.09.2015 despite Ganesh Idol immersion function was on.

Normally no one is allowed to take leave because it is a sensitive period apprehending law and order problem. It is also seen that the Superintendent of Police Senthilkumar on reaching the scene of occurrence, spoke to the petitioners and informed the death of the deceased. Further, there was no complaint with regard to any harassment, torture or insult from the deceased to anyone till her death. This theory now cropped up after her death. Further, the deceased is not a low level officer, if there is any harassment or torture at the hands of any officials, there are procedures in the department to make complaint and she could have very well complained to superior officers with whom such complaints are normally made.

25.As regards recording of statement under Section 164 Cr.P.C., of seven witnesses, it is the Investigating officers' prerogative. There is not much difference between statement recorded under Sections 161 Cr.P.C., and 164 Cr.P.C., except the fact that it is recorded before the Judicial Magistrate. It is only a prior statement and it is used for corroboration or contradiction. Normally, if the investigating officer has some doubt and witnesses appears



gullible, in such cases, statement under Section 164 Cr.P.C., will be recorded.

It is the wisdom of the Investigating Officer whether to sponsor or seek recording statement under Section 164 Cr.P.C., for which no motive can be attributed.

26.As regards ill-treatment of the deceased at the hands of the Superintendent of Police Senthilkumar, the petitioners, parents of the deceased and Maheshwari, Deputy Superintendent of Police during examination before the Lower Court have stated about abusive words used against late Vishnupriya by the Superintendent of Police Senthilkumar. Till the death of Vishnupriya, the petitioners or for that matter no one made any complaint against the Superintendent of Police Senthilkumar. It is seen that the petitioners are educated persons. The 1st petitioner was the Deputy Treasury Officer, a Government official and the 2nd petitioner employed as Assistant Manager in a Nationalized bank. Both had taken voluntarily retirement and they were aware about the procedure in making complaints about harassment in work place to authorities and commission. It is seen that Maheshwari, Deputy Superintendent of Police and late Vishnupriya were known to each other for the past six years from the time of attending coaching class and



jointly preparing for competitive exams, both got selected as the Deputy Superintendent of Police. The complaint against the Superintendent of Police Senthilkumar appears to be, he interfering in the investigation of cases, his conduct on the day of inspection for probation and during crime meetings. These facts informed to Maheswari, Deputy Superintendent of Police by late Vishnupriya, but no complaints made till the death of Vishnupriya. It is understandable that the Police department is hierarchy driven, hence, no complaints earlier.

27.The statement of A.G.Inigo Dhivyan, another Deputy Superintendent of Police, a batch mate of the deceased confirms the Superintendent of Police Senthilkumar's interference in the investigation of cases conducted by the late Vishnupriya. The statement of Chandrakala, the then Sub Inspector of Police, Thiruchengode Town Police Station is in conformity. The interference or supervision by the Superintendent of Police Senthilkumar appears to be not only in Gokulraj case, but in most of the cases which were investigated or monitored by the late Vishnupriya. In this case, there is no evidence or material before the date of suicide (18.09.2015) that at the instance of Superintendent of Police Senthilkumar, late Vishnupriya took such extreme



step of committing suicide. On the other hand, there are materials to show that two months prior to 18.09.2015, the mother/2nd petitioner and Aunt were staying with late Vishnupriya in Thiruchengode. This is obviously to give some moral support to late Vishnupriya after 15.07.2015 episode. The deceased took two days Casual Leave on 16.09.2015 and 17.09.2015, went to her native Cuddalore along with her mother/2nd petitioner and Aunt and spent two days of qualitative time with them and other relatives and thereafter, on 18.09.2015 morning, she came back to Thiruchengode alone. On 18.09.2015, she attended road roko agitation, pacified the agitating group and thereafter, came back to the camp office in the afternoon, instructed the staff's not to disturb her till evening and went to take rest. In the meanwhile, the deceased ended her life by hanging herself. Both the suicide notes, dated 15.07.2015 and 18.09.2015 are detailed one, wherein the deceased not whispered or pointed anyone being the reason for her to take such extreme step, more particularly, against the Superintendent of Police Senthilkumar. The genuineness of the suicide notes are not in dispute. In view of the above, the grievances of the petitioners that the Superintendent of Police Senthilkumar let off go scot free for charge of abetment of suicide, is not proper and the same is contrary to the materials available in the case records.



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28. It is to be seen that the late Vishnupriya on earlier occasion on 15.07.2015, had rat poison, which was sensed by one Malavia, Advocate, who informed the same to Mahaeshwari, Deputy Superintendent of Police. Thereafter, on 17.07.2015, Vishnupriya went to Suguna Hospital, Erode and took medication for the same. On 16.09.2015, when Maheshwari, Deputy Superintendent of Police had conversation with Vishnupriya, she expressed her desire and her state of mind to end her life, which could be retrieved from Maheswari's mobile phone. This conversation was not taken seriously. The late Vishnupriya spoke to Maheswari, Deputy Superintendent of Police on more than one occasion and informed Maheswari that she was not liking the job and she is of no use to anyone. Further, on 17.09.2015, the late Vishnupriya spoke to Maheswari, Deputy Superintendent of Police on more than two occasions with the same mindset. This was not taken seriously, might be for the reason it was not for the first time such a conversation between them. Thus, the late Vishnupriya was in a clouded mindset and she was blaming herself, she had contacts with her friends, like minded people, which CBCID attempted to blow out of proportion for obvious reasons, projected as though she had some relationship with Malavia, Advocate and one Vijayaraghavan, a Priest in



Swamy Narayanaperumal Temple, Thirukoshtiyur, Tirupathur Taluk,

Sivaganga District. For what reason, these contacts are projected as intemperate relationship between Vijayaraghavan and the deceased is not known. This attribution cannot be brushed aside. During autopsy, the Postmortem Doctors Dr.K.Gopala Ramanan, Dr.R.Sangeetha from Mohan Kumarapalayam Medical College and Hospital, Salem found the intact hymen of the deceased, which demolished and falsified the theory propounded by the CBCID officials. Taking advantage of innocence and ignorance of Vijayaraghavan, huge sums of money of Rs.3,00,000/- (Rupees three lakhs only) extracted from him. The Superintendent of Police Senthikumar's name is mentioned by one R.S.Rajasekar, who produced the video recordings of Vijayaraghavan and stated that at the instance of one Raju of BKR Hotel, T.Nagar and Gurunathan, Advocate who are friends of the Superintendent of Police Senthikumar such episode was enacted, which cannot be brushed aside lightly since it blots the moral character alleging moral turpitude of late Vishnupriya, for what reason, such attempts made, the officials how high they may be, for propounding a false theory, that too against a dead person, all persons behind this episode to be dealt without any condonation.



29. In this case, in the second closure report, the CBI observed that the seized items were not handled in a scientific way giving no scope for any loss of data or evidentiary value. To rule out the same, the electronic gadgets, namely, two mobile phones, lenovo tab of the deceased were subjected to forensic examination once again by the Central Forensic Laboratory Science, Hyderabad and given report dated 24.07.2017. Based on the report, dated 24.07.2017, the CBI concluded the investigation and filed the second closure report on 28.08.2019. There is some grey area with regard to the statement of Mr. Raju, Deputy Superintendent of Police, Rasipuram, the initial Investigating Officer, Mr. Radhakrishnan, Deputy Superintendent of Police, Pramathivelur and Muthukumar, Grade-I Head Constable, District Superintendent Office, but the same will not have much bearing in the final decision of the case. It is to be noted that no memory card is found in both the mobile phone and tab as could be seen from the report of Central Forensic Laboratory Science, Hyderabad. Based on the retrieval process, a report has been submitted by the Central Forensic Science Laboratory, Hyderabad. From the report, it is seen that no recordings or materials found connecting to the suicide is found. It is also to be noted that it was the deceased, who had called the Superintendent of Police Senthilkumar for few second and not otherwise on the fateful day.



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30.The grey area which was identified by the Lower Court have been addressed and explanations given in the second closure report. Now, on perusal of the statements of seven witnesses, which were recorded by the Lower Court, reveal that the late Vishnupriya was interfered in her official work, she was not happy, constanly harassed, faced displeasure and ignominy on a daily basis. It starts from reporting of Daily Situation Report (DSR). Added to it, though the probation inspection was done on 15.07.2015, the declaration of probation was made on 18.09.2015 i.e., on the day of suicide is of concern, whether it is a coincidence or otherwise to be looked into.

31.As regards the grievance of the petitioners in the impugned order, dated 09.01.2020 in Crl.M.P.Nos.773 & 1034 of 2019 is concerned, the Chief Judicial Magistrate, Coimbatore made certain connotations in paragraph Nos.31 & 33 (bold and underlined), herein:

“31. Generally, the persons, who commit a suicide used to/like to leave a suicide note naming certain person as responsible for his committing suicide. Merely, because a person has been so named in the suicide note, one cannot immediately jumped to the conclusion that he is an offender under Sec.306 of I.P.C. The contents of suicide note and other



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attending circumstances have to be examined to find out whether it is abetment within the meaning of Sec.306 of I.P.C. r/w 107 of I.P.C. The overall analysis is required to be examined with the following incidents like if a lover commit suicide due to love failure, if a student commit suicide, because of his poor performance in the examination, a client commit suicide, because his case is dismissed, a lady, examiner, lawyer respectively cannot be held to have abetted the commission of suicide. Admittedly, in the present case, name of the Police offices or rank has not been mentioned. On the other hand, she specifically mentioned that the police officers cannot be blamed for her suicide. For the wrong decision taken by a coward, fool, idiot, a man of weak mentality, a man of frial mentality, another person cannot be blamed as having abetted his committed suicide. In the absence of any specific instigation with proof by the parents of Vishnupriya to the extent that the said Senthilkumar advised or suggested or compelled the deceased to prepare or work against the interest of the society or police department. One has to analysis and examine the contents of the suicide note whether it contains any incriminating information in the nature of instigation, prorogation, forcing the victim to commit suicide. In the present case, admittedly, there is no iota of allegations of abetment against Senthilkumar.



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33. Conclusion:- According to the facts of the case in hand, this court opined that the deceased was a 'coward' and said that instead of facing the problem in the family or department, she perished like and unsuccessful woman in life foolishly. It essentially asserted that the said Senthilkumar, S.P. cannot be charged as being liable for such acts of the deceased. The records at hand, could not reveal any wilful conduct, which is of such a nature as is likely to drive the deceased to commit suicide. It also requires an active act or direct act which led the deceased to commit suicide seeing no option and this act, must have been Intended to push the deceased into such a position that she committed suicide. In view of the facts and circumstances of the case, the court opined that the alleged act of abusing, scolding, ill treating, torturing, misbehaving, etc.. and taking extra work from the deceased, cannot be equated into the abetment the deceased to commit suicide. If higher officer compels her subordinate to do extra work, which is unbearable, then she has no other several options and it cannot be said that he had no other option except to commit suicide. Therefore, the higher officials cannot be held responsible for the suicide of the deceased Vishnupriya, as there is no mens rea to abet the deceased for commission of suicide. As already stated above, those words or attitude may constitute other penal provisions, but not abetment to suicide. This court is not standing on the way to initiate any legal action against Senthilkumar for the alleged allegations.. The deceased Vishnupriya in a fit of



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depression committed suicide. Hence, this court finds that the final report has to be accepted and cognizance under Sec.306 of I.P.C. cannot be taken against the said higher officials, particularly Senthilkumar, Superintendent of Police.”

32.The observations made supra in bold and underlined font are taken from the decision from “***Mani Versus State, rep, by the Inspector of Police, J-3 Guindy Police Station, Chennai reported in 2014 (2) MWN (Cr.) 410***” in paragraph Nos.39, 40 & 42(9). The Lower Court ought to have refrained from using such language and uncalled observation. In this case, there is no justification for such connotations, more so, without giving opportunity for hearing the concern, no such observation can be made. These remarks are not a requirement for deciding the present case. In view of the same, the above bold and underlined portion in paragraph Nos.31 & 33 of the impugned order (extracted supra in paragraph No.31 of this order) are liable to be deleted.

33.The deceased might be a person of secretive in nature, who does not disclose her displeasure and anger to everyone, she had stated certain of the facts to her batch mates and others (i)Mr.Xavier Francis Beskin, (ii)Mr.Inigo Dhivyan, (iii)Tmt.Maheswari (iv)Geethanjali (v)Jerina Begum



(vi)Chandrakala, Sub Inspector of Police (vii)Ravi, her father and (viii)Kalaiselvi, her mother. They have stated about the harassment and humiliation undergone by the deceased. There might not be a case for abetment of suicide, but there must be an answer for the silent, sufferings of the deceased. The humiliation suffered by the late Vishnupriya for her honesty, appearance, colour of the skin and social background should not be the reason for her taking such extreme step. Not only the late Vishnupriya, anyone for that matter to be safeguarded, such design to be put down with iron hand. It is for the Home Secretary and Director General of Police, Chennai to study the materials and to take a call in this regard. Of course, whatever may be the decision, the petitioners to be informed about the same. The CBI to send a copy of the report, materials including part-II report to the Home Secretary, Home, Prohibition and Excise Department, Secretariat, St.George Fort, Chennai and Director General of Police, Mylapore, Chennai, to take appropriate action, so that in future such situation does not occur.

34.The grievances of the petitioners with regard to the manner of investigation by the CBI are answered. The Lower Court coming to



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conclusion to close the case, needs no interference.

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35.The uncalled connotations and observations made by the Lower Court in bold and underlined font in paragraph Nos.31 & 33 (extracted supra at Paragraph No.31 of this order) alone are deleted and the rest of the order stands confirmed. Hence, this Criminal Revision case stands dismissed.

28.04.2023

Speaking order/Non-speaking order

Index: Yes/No

Internet: Yes/No

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To

1.The Chief Judicial Magistrate Court,
Coimbatore.

2.The Deputy Superintendent of Police,
CBI, 'SCB',
Chennai.

3.The Public Prosecutor,
High Court, Madras.

Copy To:

1.The Director General of Police,



CrI.R.C.No.920 of 2021

Dr.Radhakrishnan Salai,
Mylapore, Chennai-600 004.

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2.The Home Secretary,
Home, Prohibition and Excise Department,
Secretariat, St.George Fort, Chennai-600 009.



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M.NIRMAL KUMAR, J.

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PRE-DELIVERY ORDER IN
CrI.R.C.No.920 of 2021

28.04.2023