



Crl.O.P.No.25950 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 04.07.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.25950 of 2022

R.Renugadevi,

... Petitioner

Vs.

1. The Commissioner of police,
Chennai police, Veppery, Chennai
2. The Inspector of Police,
P 6, Kodungaiyur Police Station, Chennai

... Respondents

This Criminal Original Petition is filed under Section 482 Cr.P.C. to issue suitable direction or in the nature of direction, transferring the investigation pending on the file of the second respondent in Crime.No.703 of 2020 to the file of the second respondent or any other competent agency for the purpose of investigation and direct the said nominated agency to investigate the same according to law.

For Petitioner : Mr.V.Parthiban



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For Respondent

: Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This petition has been filed for a direction to transfer the investigation that is pending on the file of the 2nd respondent in Crime No.703 of 2020 to any other investigation agency.

2. The petitioner is the mother of the deceased Chandru. The said Chandru was married to one Banupriya and out of the wedlock, a daughter was also born. The further case of the petitioner is that there was a misunderstanding between her son and her Daughter-in-law since the daughter-in-law is alleged to have had an extra marital affair with one Kadir @ Kadiresan. As a result of the same, there used to be regular quarrels and that the petitioner had gone to the extent of stating that the daughter who was born was not actually out of the wedlock and it was due to the intimacy which the daughter-in-law had with Kadir @ Kadiresan.



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3. The son of the petitioner died under suspicious circumstances on 10.05.2020 and the petitioner was informed that her son committed suicide by hanging. The petitioner also came to know that the daughter-in-law viz Banupriya had given a complaint before the 2nd respondent and an FIR came to be registered on 13.05.2022 under section 174 of Cr.PC in Crime No.703 of 2020.

4. The grievance of the petitioner is that there has been absolutely no investigation in this case and the suspicious circumstances under which the son of the petitioner died was not even properly investigated. Hence, the present Criminal Original Petition has been filed before this Court.

5. Heard Mr.V.Parthiban, learned counsel for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing on behalf of respondents.

6. The 2nd respondent has filed a status report and the relevant



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portion in the report are extracted hereunder :-

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4. *It is submitted that on the same day, the then Sub-Insector of Police had went to the scene of occurrence and drew rough sketch and prepared observation Mahazar in the presence of witnesses and examined the following witnesses and recorded their statements :*

- (1) Tr.Rajan - Eye witness*
- (2) Tr.Dinesh Kumar - Eye Witness*
- (3) Tr.Sathish Kumar (4) Tr.Venkatesan - Observation Mahazar*
- (4) Tr.Gobikannan - Neighbour of deceased*
- (5) Tr.Ganesh Moorthy - Neighbour of deceased*
- (6) Tr.Elangovan - Neighbour of deceased*
- (7) Tr.Sankar (9) Tr.Deivanantham - Neighbour of deceased*

All the twitnesses corroborated the same version of the complaint.

5. *It is submitted that the then investigation officer had conducted inquest on the deceased body in the presence of witnesses, thereafter sent the body for Post mortem. After completion of post mortem, the deceased body was handed over to the defacto complainant.*

6. *It is submitted that during the course of investigation, on 25.06.2020, the then inspector of police had collected the post mortem report and final opinion of Post mortem Doctor and also recorded his statement and which reveals that the “cause of death of the deceased would have died of Asphyxia due to hanging”.*

7. *It is submitted that from the investigation it reveals that the defacto complainant and deceased had a misunderstanding and the complainant scolded the deceased that the deceased is hide and watch the complainant sister bathing. Based on that the complainant scolded*



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and warning the deceased and the deceased got depressed and he commit a suicide.

8. It is submitted that the petitioner/deceased mother and her husband [Deceased parents] lodged a many petitions before the respondent police in which stated that deceased was married to Banupriya a nurse working in a private hospital. They have blessed with a daughter by name Sanjanasri. After some years of marriage the deceased able to find out that his wife having intimacy with one Kadir @ Kadiresan a real estate business man and a rich person having influence in all government departments. After the quarrel with the deceased and his wife he came to know that she had intimacy with the said Kadir even before the marriage and she went to Singapore with the Kadir under guise of nurse training. The said kadir was also threatened the deceased by saying that if he tries to stop their relationship, he will kill him. The petitioner ask the house which is belongs to the deceased and asked the respondent police to rescue the house from the deceased wife and handed over to her.

9.It is submitted that based on the petitions preferred by the deceased parents a C.S.R. No. 634 of 2020 and C.S.R.No.995 of 2020 before the respondent police and took up the petitions for enquiry.

10. It is submitted that again the deceased parents preferred a petition before the Commissioner of Police in which assigned as a C.No.390/COP/Vistors/2022 and the petition is took up for enquiry

11. It is submitted that during the course of investigation I have issued a summon to the petitioner for enquiry, but they was not present at home and informed them over phone, but they were not present for



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enquiry. Petitioner and her husband did not cooperate the enquiry with the respondent police. The deceased wife gave a written statement that the deceased parents try to secure a money from her. Based on the enquiry the above mentioned CSR's and Petitions was closed that the deceased parents did not cooperate with enquiry and the petitions is based on the property dispute.

7. On carefully going through the materials placed before this Court, it is quite apparent that there was a tumultuous relationship between the deceased and his wife. Even in the status report there are two versions given for such disturbed relationship which requires investigation. The most serious allegation that has been made is that the said Banupriya had an extra marital affair with one Kadir @ Kadiresan and when this was questioned by the deceased, there used to be quarrel and the deceased is also said to have been threatened by the said Kadir @ Kadiresan.

8. The status report reads as if the petitioner and her husband did not co-operate for the enquiry and therefore, based on the written statement given by the wife of the deceased, the 2nd respondent has proceeded to close the case as “mistake of fact”. There is no dispute



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regarding the fact that the deceased died of asphyxia due to hanging. It has to be ascertained as to what led the deceased to take such an extreme step and to see if whether it was as a result of any abetment for committing suicide. The materials available before this Court shows that some more investigation is required in this case in view of certain serious allegations that have been made.

9. It is brought to the notice of this Court that the RCS notice was served on the defacto complainant, who is the Daughter-in-law of the petitioner on 31.10.2022 and the closure report came to be filed before the concerned Court on 07.11.2022. This Court is of the considered view that a further investigation is required in this case to ascertain the true facts in order to find out the actual reason as to why the son of the petitioner took the extreme step of committing suicide by hanging.

10. In view of the above, there shall be a direction to the Assistant Commissioner of Police, MKB Nagar to investigate this case. The



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2nd respondent is directed to hand over the entire case diary to the Assistant Commissioner of Police, MKB Nagar. The investigation officer shall conduct a through investigation in this case and proceed further in accordance with law. The investigation shall be completed as expeditiously as possible.

11. This Criminal Original petition is disposed of with the above directions.

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Index :Yes/No

Internet:Yes

Speaking Order/Non-speaking Order



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To

1

The Commissioner of police,
Chennai police, Vepery, Chennai

2.

The Deputy Commissioner of Police,
MKB Nagar, Chennai.

3.

The Assistant Commissioner of Police,
MKB Naar, Chennai.

4.

The Inspector of Police,
P 6, Kodungaiyur Police Station, Chennai

5.

The Public Prosecutor,
Madras High Court,
Chennai.



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