



Crl.O.P.(MD)No.414 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 22/12/2023

CORAM

The Hon'ble Mr.Justice **G.ILANGOVAN**

Crl.OP(MD)No.414 of 2023

V.Radha Priya : Petitioner

Vs.

01.The Director General of Police,
Chennai.

02.The Superintendent of Police,
Theni District,
Theni.
(Crime No.416 of 2019)

03.C.B.C.I.D Police,
Theni Range,
Theni.

04.The Inspector of Police,
Allinagaram Police Station,
Theni District.
(Crime No.311 of 2022)

05.Pandiammal,
Sub Inspector of Police,
Allinagaram Police Station,
Theni District.

06.Manikandan,
Constable,
Allinagaram Police Station,
Theni District.

07.Ravi (a) Ravichandran

08.Kubendran

09.Santhanam

10.Perinbam

11.Saravanan

12.Natraj

: Respondents



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PRAYER:-Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to withdraw the investigation in Crime No.311 of 2022 pending on the file of the 4th respondent police and transfer the same and entrust the investigation to the 3rd respondent with direction to investigate the case in accordance with law and with a direction to conduct further investigation within the period that may be stipulated by this court.

For Petitioner : Mr.M.Jerin Mathew

For R1 to R4 : Mr.M.Sakthi Kumar
Government Advocate

O R D E R

This criminal original petition has been filed seeking to withdraw the investigation in Crime No.311 of 2022 pending on the file of the 4th respondent police and transfer the same and entrust the investigation to the 3rd respondent with a direction to investigate the case in accordance with law and with a direction to conduct further investigation within the period that may be stipulated by this court.

2.The facts in brief:-

(i)The petitioner is the wife of the deceased namely P.Vijayakumar. Along with children, they were residing in Allinagaram. Her husband was cultivating the coconut



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grove under one Ravi. For about a week prior to the occurrence, he was telling her that he is mentally distressed. On 11/11/2012 at about 05.30 pm, he went to purchase petrol. At about 06.10 pm, she was informed that her husband consumed pesticides. She immediately went to the spot along with her father-in-law. She found the deceased in an unconscious state of mind. He was taken to the hospital. The police visited the hospital and gave a statement that since the deceased consumed pesticides on his own, no action is required.

(ii)On 13/12/2022, he died. Even at that time, she did not entertain any suspicion over the reason for the death. On the basis of the statement, a case in Crime No.311 of 2012 was registered under section 174 of Cr.P.C. Investigation was undertaken. Pending investigation, this petitioner sent a representation, dated 08/12/2022 setting out the following facts:-

One Ravi was having several properties in and around Theni area. He advised the deceased to take out a property on lease, so that he can also earn money. Believing his words, amount was raised by mortgaging his house property. One Kubendran approached her husband seeking financial help for running a Bar. By pledging her



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jewels, money was raised and it was paid to Kubendran. By paying Rs.1,25,000/-, the property was taken on lease from Ravi. But slowly Ravi spoiled the character of her husband. Slowly, he received money from her husband. But on the particular date of occurrence, the deceased went out to purchase the pesticides for the use of the above said Ravi. At about 06.11 pm, he contacted her and uttered some words. But immediately some one has snatched his cell phone. There after no response. So they immediately went to the coconut grove. At that time, Santhanam was coming out of the grove. The deceased was found lying in an unconscious state. At that time, Kubendram also came to that spot. In that place, they found liquor bottles scattered around. She enquired Kubendran about that occurrence. Instead of taking the deceased to the Government Hospital, they took him to a private Nursing Home. Even at that time, the suspecting persons prevented them to contact the deceased or speaking with him. When the deceased was admitted in the hospital, he had shown some signal as if he was given pesticides by some persons. He also intimated the suspected. The police officials, who came to the hospital asked to sign in the blank papers. She informed the constable Manikandan about the signal made by the deceased. Even in the cremation area, the suspecting



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persons made arrangements to cremate the body. FIR was registered on the basis of the wrong information mentioned by the constable Manikandan.

3.Now suspecting the involvement of the above said persons, she has also suspected that the accused administered poison forcibly. So on the basis of the above same ground, this petition is also filed.

4.Entire CD file has been called and the Investigating Officer was also directed to be present before this court in person. The petitioner was also directed to be present along with two children.

5.On going through the entire records and on hearing the learned counsel appearing for the petitioner and the Investigating Officer, I find that as on date, no suspicious ground is available to proceed against the suspecting persons.

6.No doubt that it is an unfortunate case. The deceased was having two children and a wife. But the fact remains that it is a case of suicide. Had it been true that on the particular date of occurrence, the suspected persons actively involved in taking the deceased to the



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hospital and involved in delaying treatment, she would have disclosed all those things at the first instance itself.

7.The petitioner and the Investigating Officer were present before this court. This court directed to record.

8.Statement was recorded, on 07/06/2022. The following order was passed:-

"As per the direction of this Court, the petitioner appeared before the respondent and gave a statement, which was also recorded. The grievance that has been expressed by the petitioner that at least the tower location of the accused may be verified to find out whether they are available at the place of occurrence. The learned Additional Public Prosecutor would advise the Investigating Officer to verify the above said tower location also and proceed further in that matter. Let the development be informed the Court for passing final orders, since some sort of further allegation is made over the manner in which the above said investigation was undertaken not only subsequent to the death, but also at the time when the deceased was alive."



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9.In pursuance of the above said direction passed by this court, the details of the tower location of the suspected persons and the deceased were collected. A detailed report has also been submitted by the Investigating Officer regarding the tower location. Now the copies were also produced before this court. In view of the above said development, I find no reason to transfer the investigation at this stage.

10.Even though some sort of allegations are made against the Investigating Officer, I find that those allegations are unfounded. Transfer of investigation is a serious matter, which involves integrity and honesty of the Investigating Officer. No strong ground has been made out for transfer. But the petitioner is going on changing her version. It is also a matter for consideration.

11.Let the investigation may go on under the direct supervision of the Deputy Superintendent of Police, Theni and complete the same within a period of three months from the date of receipt of a copy of this order. If the petitioner still aggrieved over the outcome of the same, she can work out her remedy through appropriate proceedings.



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12.with the above said direction and liberty, this
criminal original petition stands **dismissed**.

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Index:Yes/No
Internet:Yes/No
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To,

- 1.The Director General of Police,
Chennai.
- 2.The Superintendent of Police,
Theni District,
Theni.
- 3.C.B.C.I.D Police,
Theni Range,
Theni.
- 4.The Inspector of Police,
Allinagaram Police Station,
Theni District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 6.The Deputy Superintendent of Police,
Theni.



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G.ILANGO VAN, J

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