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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 27/06/2023

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Cr1.OP(MD)No.4642 of 2023

T.Kumar : Petitioner/De-facto
Complainant

Vs.

1.The State represented by,
The Superintendent of Police,
Tirunelveli District.

2.The Inspector of Police,
Tirunelveli Taluk Police,
Tirunelveli.
(Crime No.16 of 2022)

3.The Inspector of Police,
CBCID Wing,
Palayamkottai,
Tirunelveli

: Respondents/Respondents

Prayer:Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to transfer the investigation in Crime No.16 of 2023 from the file of the 2nd respondent to the 3rd respondent herein and pass such any or other orders.

For Petitioner : Mr.P.Samuel Gunasingh

For Respondents : Mr.B.Nambiselvan
Additional Public Prosecutor

**ORDER**

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This criminal original petition is filed seeking transfer of the investigation in Crime No.16 of 2023 from the file of the 2nd respondent to the 3rd respondent.

2.The facts in brief:-

The de-facto complainant lodged a complaint stating that her daughter namely Karthika Jothi was married to one Muthukumar, on 20/11/2022. At the time of marriage, Muthukumar was working in IBM, Bangalore. On 18/01/2023, in her house, her daughter committed suicide. On the basis of the occurrence, a case in Crime No.16 of 2023 was registered under section 174(3) Cr.P.C. Pending the above said investigation, making suspicion against the involvement of the husband and in-laws, on the issue of dowry harassment, this petitioner made representation seeking transfer of investigation. When that was not considered, this petition has been filed seeking transfer of the investigation to the 3rd respondent.



3.The ground, on which this petition came to be filed is that during RDO enquiry, clear statement was made by the witnesses to the effect that dowry harassment was made by the family members of the husband. Right from the beginning, the investigation was not undertaken in a proper direction. Stating that because of the assault made by the husband and his family members, the above said death occurred.

4.Heard both sides.

5.CD file has been called for and the Investigating Officer was also present before this court.

6.Now let us first take up the RDO enquiry, before going into other aspects. The RDO report is available, which is dated 02/02/2023. Before the RDO, this petitioner and his wife made allegation against the husband and in-laws stating that because of the continuous torture, the death occurred and absolutely, there was no possibility for the deceased to commit suicide; Even the husband and his family members did not attend the funeral ceremony; They have stated that all of them joined and caused the murder.



9.Now, the status report has been filed by the Investigating Officer setting out the facts and circumstances.

10.From the investigation, which was undertaken by Investigating Officer, it is seen that right from the marriage, the deceased was hating her husband and there was no cardinal relationship between them and in the house, they were residing in separate rooms. On 14/01/2023, the parents of the deceased came to her house and also provided pongal seer. On 17/01/2023, the parents came and tried to compromise, but there was no result. So in that circumstances, the above said suicide was committed. According to him, from the investigation, there was no harassment of dowry was noticed.

11.The learned counsel appearing for the petitioner would rely upon the judgment of the Kerala High Court in the case of ***Baby S Vs. State of Kerala represented by its Secretary for Home Affairs and Others (2002 SCC OnLine Ker 3940)*** for the purpose of argument that in case of dowry demand, no direct evidence can be expected.



12.No doubt that it is an unfortunate death of a young girl. Affair concerning the husband and wife and in-laws as well as the parents of the deceased, so direct evidence cannot be expected.

13.From the circumstances of the case and also from the suicide note left by the deceased, I find that the suspicion, that is entertained by the petitioner is not well founded. The deceased has stated in the suicide note that the decision was taken on her own. The RDO also concluded that there is no dowry demand and no harassment was meted out by the deceased, demanding dowry and other things.

14.No doubt that it is an unfortunate suicide of young woman, but the circumstance does not support the suspicion entertained by this petitioner. So, I find no reason to transfer the investigation.

15.In the result, this criminal original petition is **dismissed**. But however, let the further investigation be undertaken under the direct supervision of the Deputy Superintendent of Police, Tirunelveli Rural Sub Division,



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Tirunelveli District. Let the final report be filed within a period of three months from the date of completion of the further investigation.

27/06/2023

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

- 1.The Superintendent of Police,
Tirunelveli District.
- 2.The Deputy Superintendent of Police,
Tirunelveli Rural Sub Division,
Tirunelveli District.
- 3.The Inspector of Police,
Tirunelveli Taluk Police,
Tirunelveli.
- 4.The Inspector of Police,
CBCID Wing,
Palayamkottai,
Tirunelveli
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G. ILANGO VAN, J

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