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CrI.O.P.(MD)No.18768 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 08/11/2023

CORAM

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

CrI.OP (MD)No.18768 of 2023

B.Geetha Priya : Petitioner/Victim

Vs.

1.The Superintendent of Police,
Virudhunagar District.

2.The Inspector of Police,
Aruppukottai Town Police Station,
Virudhunagar District : Respondents/
Investigating Agency

PRAYER:- Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to direct the respondents to transfer the investigation in Crime No.182 of 2023 pending on the file of the 2nd respondent to some other competent agency in the nature and circumstances of the case.

For Petitioner : Mr.R.Rajamohan

For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor

O R D E R

This criminal original petition has been filed seeking for direction to transfer the investigation in Crime No.182 of 2023 pending on the file of the 2nd respondent to some other competent agency.



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2. The facts in brief:-

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The de-facto complainant namely one Alagarsamy filed a complaint stating that he is residing in Rajeev Nagar, Aruppukottai and working as Secondary Grade Teacher in Union Primary School. On 07/07/2023, his neighbourers by name Rajamani and Saravanan attempted to dig a pathway for installing septic tank. The de-facto complainant and his wife objected the same. They also made a complaint. But no proper action was taken. Over the above said, the accused persons used to threaten the complainant and his wife frequently. On 10/07/2023 at about 09.45 am, Rajamani and others started doing construction work. That was objected by the de-facto complainant. But Rajamani and his relatives Karuppiah threatened him. Because of the depression and humiliation, the complainant attempted to commit suicide by self-immolation. Upon which, a case in Crime No.182 of 2023 was registered for the offence under section 506(i) IPC.

3. Seeking transfer of the investigation, this petition is filed mainly on the ground that Rajamani and Saravanan without proper permission were digging the road for putting up a septic tank; When a complaint was given, no proper action was taken. On the next day that is on



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08/07/2023, the present occurrence said to have been taken place. The husband of the petitioner attempted to commit suicide by self immolation because of the abetment of suicide made by the accused persons; He was admitted in the hospital due to the burn injuries; So far, no proper action has been taken. But a case in Crime No.183 of 2023 was registered under section 309 IPC against the husband of the petitioner; No proper penal provision has also been mentioned in the FIR; Even though, the suicide note was seized by the police, it was not taken to the Magistrate Court.

4.Heard both sides.

5.The grievance of the petitioner is that because of the abetment of suicide only, her husband attempted to commit suicide by self immolation, but a case has been wrongly registered against her husband, on the basis of the complaint given by the Village Administrative Officer in Crime No.183 of 2023. Another FIR has been registered for the offences punishable under section 506(i)IPC against Rajamani and others, which according to the petitioner, is totally an illegal act.



6.From the narration of facts, it is seen that on 10/07/2023, FIR has been registered for the offence under section 506(i)IPC. 2nd FIR has been registered on 11/07/2023 in Crime No.183 of 2023. In both cases, date of occurrence was stated to be on 10/07/2023. Even on the very same date of occurrence, trouble arose between the de-facto complainant and the accused party, who are digging a pit in the common pathway. It is a matter for investigation as to whether the offences under sections 294(b) and 506(i) IPC are attracted.

7.So the contention on the part of the petitioner that the registration of the case under section 506(i)IPC is not legal, cannot be accepted.

8.Perusal of the records further shows that the husband of the petitioner died due to sudden cardiac attack because of the burn injuries, on 14/07/2023 at about 05.50 pm. So the case was altered to section 174 Cr.P.C and alteration report was submitted, on 14/07/2023. Now the investigation is underway.

9.As mentioned above, the case was originally registered for the offence under section 506(i)IPC cannot be found fault. Because of the death of the petitioner's



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husband, during the course of investigation, it can be find out whether due to the abetment of suicide, the deceased committed self immolation. This is too premature stage to transfer the investigation.

10.Perusal of the records does not indicate any bias on the part of the Investigating Officer. The petitioner has to wait till the conclusion of the investigation or for reasonable time. If she aggrieved, after completion of the investigation, she got every right to work out her remedy through appropriate process. This is too a premature stage. Absolutely, as mentioned above, there is no bias on the part of the Investigating Officer.

11.In the result, this criminal original petition is **dismissed**. But however, there shall be a direction to the 1st respondent to complete the process of investigation as expeditiously as possible and file a final report within a period of three months from the date of receipt of a copy of this order.

08/11/2023

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

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- 1.The Superintendent of Police,
Virudhunagar District.
- 2.The Inspector of Police,
Aruppukottai Town Police Station,
Virudunagar District
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN, J

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