



WEB COPY



Crl.O.P.(MD)No.20323 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 05/12/2023

CORAM

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

Crl.OP(MD)No.20323 of 2023

and

Crl.MP(MD)No.15856 of 2023

M.Neethi Sambantham : Petitioner/Father of
Deceased

Vs.

1.The Superintendent of Police,
Madurai District,
Madurai.

2.The Inspector of Police,
Oomatchikulam Police Station,
Madurai District.
(In Crime No.74 of 2023)

3.The Inspector of Police,
CBCID,
Madurai.

: Respondents/Complainants

PRAYER:- Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to transfer the investigation in connection with the case in Crime No.74 of 2023 from the file of the 2nd respondent Police to the 3rd respondent for proper investigation and pass such other or further orders.

For Petitioner : Mr.G.Karupusamy Pandian
for Mr.A.Vadivel

For Respondents : Mr.M.Sakthi Kumar
Government Advocate
(Criminal side)



Crl.O.P.(MD)No.20323 of 2023

O R D E R

WEB COPY

This criminal original petition has been filed seeking transfer of the investigation in connection with the Crime No.74 of 2023 from the file of the 2nd respondent to the 3rd respondent for proper investigation.

2.The facts in brief:-

The complainant namely the Village Administrative Officer, Chettikulam Village, Madurai North Taluk, lodged a complaint stating that on 03/11/2023 at about 01.20 pm, he received an information that a person tried to self-immolation in front of the Madurai North Chettikulam Sub Registrar Office. Along with his assistant and the police team went to the place of occurrence and shifted the injured to Government Rajaji Hospital, Madurai. On enquiry, he came to know that the above said person attempted to commit suicide belongs to Natham village and his name is Mathavan. On the basis of the above said occurrence, a case in Crime No.74 of 2023 was registered for the offence under section 309 IPC. Investigation is undertaken by the 2nd respondent herein. Pending investigation, the father of the deceased namely the petitioner herein sent a representation.



WEB COPY



Crl.O.P.(MD)No.20323 of 2023

3.This criminal original petition is seeking transfer of the investigation on the following facts:-

(i)Mathavan namely the deceased received loan from one Kanagarajan, S/o.Arunachalam some years ago by mortgaging the landed properties. Some due remains to be paid by the deceased. On 03/11/2023 at about 12.30 pm, the deceased, his father namely the petitioner herein and his mother went to Oomatchikulam Sub Registrar Office area. At that time, one Kanagarajan and his son Sakthi Kannan, Sundarapandi, Devadas, Arumugam and others were present. The deceased enquired the Kanagarajan about their presence. So, the deceased was abused by calling his caste name and also stated that they came there to execute a document in respect of the property belongs to the deceased. He was also criminally intimidated. So the deceased and his wife made objection to the Sub Registrar, Oomachikulam against the registration of the document. But the Sub Registrar refused to accept their objection. Rejection of the complaint, they came out. At that time, some one poured oil and set him on fire. He was taken to the hospital and statement was recorded from Mathavan. On 04/11/2023 at about 05.50 am, Mathavan died. Since no proper action was taken against the accused, in pursuance of the complaint given by him, this



Crl.O.P.(MD)No.20323 of 2023

petition has been filed seeking transfer of the investigation from the file of the second respondent to the third respondent.

4. Heard both sides. The Investigating Officer was present before this court. Records also perused.

5. The grievance of the petitioner is that without altering the FIR under section 302 IPC, the investigation is undertaken in a biased manner. They will not get any justice in the hands of the second respondent, because of the attitude.

6. Per contra, the learned Government Advocate (Criminal side) would submit that the investigation is undergoing in a proper direction and now the Deputy Superintendent of Police, who is the Investigating Officer is taking the investigation in a fair manner. Absolutely there is no bias on his side.

7. Per contra, the contention on the part of the petitioner is that it is a clear case of murder and in the complaint itself, the petitioner has given details about the murder. But in spite of specific allegation made against the persons, who lent money, they are supporting the accused.



Crl.O.P.(MD)No.20323 of 2023

WEB COPY

8.Statement of some of the official witnesses recorded during the course of investigation by the Judicial Magistrate No.5, Madurai is also made available to the court. Some of the witnesses have also stated that it is not a case of murder, but attempt of suicide. The Investigating Officer also stated that the persons, who sold the liquid to the deceased was also examined by him and he has stated that only the deceased purchased the liquid. According to him, as on date, materials are available to show that it is a case of suicide.

9.No doubt that materials collected during the course of investigation does not indicate the offence 302 IPC. Now it is too a premature stage to come to the conclusion that no offence made out. Whether it is an act of killing by some other persons or it is a case of suicide are all matters for investigation.

10.So the contention on the part of the petitioner that no proper investigation is undertaken by the Deputy Superintendent of Police, who is the Investigating Officer now, cannot be accepted. I find no reason to transfer the investigation. Let the investigation be undertaken to its logical conclusion.



CrI.O.P.(MD)No.20323 of 2023

11.In the result, this criminal original petition is **dismissed**. Consequently, connected Miscellaneous Petition is closed.

05/12/2023

Index:Yes/No
Internet:Yes/No
er

To,

- 1.The Superintendent of Police,
Madurai District,
Madurai.
- 2.The Inspector of Police,
Oomatchikulam Police Station,
Madurai District.
(In Crime No.74 of 2023)
- 3.The Inspector of Police,
CBCID,
Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Cr1.O.P.(MD)No.20323 of 2023

G.ILANGO VAN, J

er

Cr1.OP (MD) No.20323 of 2023

05/12/2023