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Crl.O.P.No.78 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.02.2024

CORAM:

**THE HON'BLE MR JUSTICE N. ANAND VENKATESH**

Crl.O.P.No.78 of 2024

M.Mathaiyan

...Petitioner

Versus

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

2.The Inspector of Police,  
CBCID, Dharmapuri.

3.The Inspector of Police,  
Pennagaram Police Station,  
Dharmapuri District.

...Respondents

**Prayer:**Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, directing the 3<sup>rd</sup> respondent to transfer the investigation concerned in Crime No.102 of 2023 on the file of the Inspector of Police, Pennagaram Police Station, Dharmapuri District to the file of the 2<sup>nd</sup> respondent or any other competent investigation agency to conduct a free and fair investigation and to file a final report within a stipulated time.



Crl.O.P.No.78 of 2024

For petitioner : Mr.C.Prabakaran  
For respondents : Mr.A.Gopinath

### **ORDER**

This petition has been filed directing the 3<sup>rd</sup> respondent to transfer the investigation concerned in Crime No.102 of 2023 on the file of the Inspector of Police, Pennagaram Police Station, Dharmapuri District to the file of the 2<sup>nd</sup> respondent or any other competent investigation agency.

2. Heard Mr.C.Prabakaran, learned counsel for the petitioner and Mr.A.Gopinath, learned counsel for the respondents.

3. The 3<sup>rd</sup> respondent has filed a status report in this case and the relevant portions are extracted hereunder:

*“4. It is submitted that on, after register FIR, I 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.Mathiyan- Defacto Complainant / Petitioner*

*(2)Tmt.Valarmathi - Sister in law of complainant*



WEB COPY



Crl.O.P.No.78 of 2024

*(3) T.Subramani - Relation of complainant*

*(4) Tr. Krishnan - Relation of complainant*

*(5) Tr. Kuppusamy - Relation of Complainant*

*All the witnesses corroborated the same version of the complaint.*

*5. It is submitted that I conducted inquest on the deceased body in the presence of witnesses & Panchayatar, thereafter sent the body for Post Mortem to Government Hospital, Pennagaram. After completion of Post Mortem, the deceased body was handed over to the defacto complainant/Tr.Mathiayan, Brother of the Deceased.*

*Further I Examined the Following witness 1. Vishnuraj-Neighbor 2. Sekar- Neighbor 3. Murugan-Neighbor 4. Murali-Husband's Younger brother 5.Sarankumar- Husband's Sister's Son. The Investigation reveals that the deceased Sathya was having an adulterous relationship with one Muthukrishnan from the same village the affair between the Deceased Sathya and Muthukrishnan came to light at home and there was a problem in the family and as the information about this begin to spread little by little throughout the village, it was revealed that Sathya decided to commit suicide.*

*6. It is submitted that during the course of investigation, I collected the Post mortem report from concerned Doctor and also recorded his statement vide P.M.No.51 of 2023, dated 13.07.2023 stated that "The deceased would have died of asphyxia secondary to hanging and died of about 17 hours to 19 hours prior to autopsy".*

*7. It is submitted that during the course of*



*investigation, I obtained a final opinion form Dr.J.Arun Prasad, iMedical Officer, Government District Head Quarters Hospital, Pennagarm and which reveals that the “The deceased would have died of asphyia secondary to hanging and died of about 17 hours to 19 hours prior to autopsy” and also obtained the Viscera Report and Final Opinion.*

*8. It is submitted that in the mean time, on 22.08.2023, again the petitioner/ defacto complainant lodged a another complaint before the respondent police through Registered Post in which stated that he has doubt in her sister death and he further stated that on 17.06.2023 the deceased was murdered by her husband and also strangled and attacked her heavily. Hence he requested to take action against the deceased husband and his family members.*

*9. I submit that at this stage, now the petitioner / M.Mathaiyan filed this present petition to transfer of the investigation of this case in Crime No.102 of 2023 on the file of the Inspector of Police, Pennagaram Police Station, Dharmapuri District to the file of 2<sup>nd</sup> respondent or any other competent investigation agency to conduct a free and fair investigation and to file a final report within a stipulated time.*

*10. I submit that the respondent police conducted the investigation of this case in a fair, free and impartial manner in accordance with law. On 28.07.2023, the respondent police received the Viscera Report and Final Opinion, “The deceased would have died of asphyia secondary to hanging and died of about 17 hours to 19 hours prior to autopsy”, as soon as I complete the investigation and file final report before the competent court in accordance with law.*



Crl.O.P.No.78 of 2024

WEB COPY

4. In the light of the above status report, it is seen that the deceased had died due to asphyxia due to hanging. The final report is also ready. In view of the same there shall be a direction to the 3<sup>rd</sup> respondent to file a final report before the concerned Jurisdictional Magistrate/Court. If a closure report is filed, notice shall be served on the petitioner. It is left open to the petitioner to file a protest petition and workout his remedy before the concerned Court in accordance with law.

5. With the above directions and observations, this petition stands disposed of.

**19.02.2024**

Index : Yes/No

Speaking Order : Yes/No

Neutral Citation Case: Yes/No

***nst***



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Crl.O.P.No.78 of 2024

**N. ANAND VENKATESH,J.**

***nst***

To:

- 1.The Superintendent of Police,  
Dharmapuri District,  
Dharmapuri.
- 2.The Inspector of Police,  
CBCID, Dharmapuri.
- 3.The Inspector of Police,  
Pennagaram Police Station,  
Dharmapuri District.
- 4.The Public Prosecutor  
High Court of Madras.

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