



CrI.O.P.No.21572 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.21572 of 2024

Mr.N.Srinivasan.

... Petitioner/Defacto Complainant

-VS-

1. The State,
Rep. by The Superintendent of Police,
Namakkal District,
Namakkal.

2. The Deputy Superintendent of Police,
Tiruchengode,
Namakkal District.

3. The Inspector of Police,
Pallipalayam Police Station,
Pallipalayam, Namakkal District,

4. The Superintendent of Police,
CBCID Namakkal,
Namakkal District.

... Respondents

Prayer: Criminal Original Petitions are filed under Section 482 of Cr.P.C., to transfer the investigation in Crime No.42 of 2023 dated 24.01.2023 pending on the file of the 3rd respondent to the file of the 4th respondent for fair investigation and to file the final report.



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For Petitioner : Mr.Manoj Kumar.

For Respondents : Mr.S.Udaya Kumar,
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition is filed to transfer the investigation from 3rd respondent to some other agency on the ground that the police has not properly investigated the case and had not arrived all the necessary accused involved in the crime

2. The Learned Government Advocate (Crl.Side) appearing for the respondents states that the main grievance of the petitioner is that the police not implicated the husband and sister-in-law of the deceased. Further, the Learned Government Advocate (Crl.side) states that the investigation has disclosed that the deceased and her husband were living happily and there was no dispute between them, but only due to the interference of the in-laws, she has committed suicide. Hence, offence under Section 498-A and 306 of I.P.C been invoked against the in-laws. Out of the in-laws, the sister was not found anyway involved in the crime since she was living elsewhere. Further, he would submit that final report already filed on 21.09.2024 and yet to be taken



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cognizance by the Court below.

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3. Taking into consideration the fact that it is a matrimonial dispute, police can prosecute only the persons against whom there is strong material for harassment and abetment to commit suicide. In-laws just being relative, cannot be roped in. In this case, the police after making investigation had filed the final report based on the information collected. If there is any conscious omission of any accused, it is always open to the defacto complainant to bring it to the notice of the Court which takes cognizance of the offence and work out his remedy. The transfer of investigation at this stage is not worth for the reasons stated in the petition for transfer.

4. Hence, this Criminal Original Petition is disposed of with the liberty mentioned above.

24.09.2024

Index : Yes/No
Neutral Citation : Yes/No
bsm



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To:-

1. The Superintendent of Police,
Namakkal District,
Namakkal.
2. The Deputy Superintendent of Police,
Tiruchengode,
Namakkal District.
3. The Inspector of Police,
Pallipalayam Police Station,
Pallipalayam, Namakkal District,
4. The Superintendent of Police,
CBCID Namakkal,
Namakkal District.
5. The Public Prosecutor,
High Court, Madras.



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Dr.G.JAYACHANDRAN,J.

bsm

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