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CrI.O.P.No.24748 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

CrI.O.P.No.24748 of 2024

C. Nadaraji

... Petitioner

Vs.

1.The District Superintendent of Police
Dharmapuri District
Dharmapuri.

2.The Inspector of Police,
Karimangalam Police Station
Karimangalam
Dharmapuri District

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 BNSS, pleaded to direct the 2nd respondent to transfer the Investigation of the case in Crime No. 201 of 2023 to some other Investigating Agency such as CBI or CB CID or any other independent investigating agency for proper and necessary action against the culprits.

For Petitioner : Mr.C.Munusamy

For Respondents : Mr.S.Udayakumar
Government Advocate (CrI.Side)

ORDER

The petitioner herein is the father of the deceased Dheivanai. His daughter's body was recovered from the well on 25.05.2023. Suspecting



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death of his daughter to the anti work of her in-laws, the present petition is filed to transfer the investigation in Crime No.201 of 2023 to some other investigating agency such as CBI or CBCID, since the petitioner has lost the hope with the investigation conducted by the 2nd respondent.

2. The learned Government Advocate (Crl.Side) appearing for the respondent police states that on 25.05.2023, the body of Dheivanai was recovered from the well, in which she has a joint ownership. The post-mortem report disclosed that her death is due to anaesthesia and drowning. The viscera report disclosed no poisonous substance detected. Sample of sternum, lung bit and water sent for chemical analysis, which confirmed the presence of diatom. The external injuries including the fracture of lower third of right leg, appears to have been caused due to fall. On completion of investigation and on receipt of analysis report, the 1st respondent police has closed the case as further action dropped, since it is a case of suicide and not homicide.

3. The learned counsel appearing for the petitioner states that the in-laws of the deceased Dheivanai are politically powerful persons



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and they have influenced the respondent police to investigate and only after filing the petition for transfer of investigation, they have closed the investigation as action dropped.

4. To ascertain whether there is any material to the above said allegations, this Court perused the CD file and from the records finds that the body of the deceased Dheivanai was recovered from the 70 feet depth well. She was married to one Sakthivel 20 years ago and there is no issue to her and her husband died in the road accident a year before. She was living along with her in-laws and from the statement of the petitioner, it appears that she was not get along well with her in-laws. The external injuries found on the body abrasion on the knee and chest. One of the injuries is fractured injury, which is deformity lower third of right leg on dissection underlying bones were fractured with surrounding tissue contusion. The doctor, who conducted post-mortem, had opined that the injury might have caused while her fall and the contact with the wall of the well. Since the chemical analysis of the sternum, lung bit and water are colourless liquid, the prosecution has ruled out homicide.



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Dr.G.JAYACHANDRAN,J.

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5. This Court is convinced about the decision of the Investigating Officer which is based on the opinion of the scientific expert and the doctor who have conducted the post-mortem. Therefore, the prayer to transfer the investigation is not sustainable. Hence this Criminal Original Petition is dismissed. It is open to the petitioner herein to file a protest petition, if he so advised.

14.10.2024

Index : Yes/No

Neutral Citation : Yes/No

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To

1.The District Superintendent of Police
Dharmapuri District
Dharmapuri.

2.The Inspector of Police,
Karimangalam Police Station
Karimangalam
Dharmapuri District

3.The Public Prosecutor,
High Court of Madras,
Chennai.

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