



Crl.O.P.(MD) No.2164 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2024

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THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.2164 of 2024

P.Subburaman

...Petitioner

VS

**1.The Superintendent of Police,
Theni District,
Theni.**

**2.The Inspector of Police,
Antipatti Police Station,
Theni District.**

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to direct the 1st Respondent to transfer the investigation in Crime No.93 of 2023 dated 22.03.2023 on the file of the 2nd Respondent Police or any investigation agency on the Petitioner's representation dated 06.02.2023.

For Petitioner : Mr.M.A.M.Raja

**For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)**



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ORDER

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The learned Counsel for the Petitioner submitted that the Petitioner is the De-Facto Complainant in Cr.No.93 of 2023 on the file of the second Respondent. The Petitioner's daughter was married with one Senthil Kumar, ten years prior to the date of death of his daughter. In the wedlock, the Petitioner's daughter have one female child, Anbarasi, aged about 9 years and one male child, Sundara Mahalingam aged about 4 years. The Petitioner's daughter was residing within the distance of 300 meters from the house of the Petitioner. At the time of marriage, a sum of Rs.75,000/- was given as dowry and four sovereign of gold jewels was given to Senthil Kumar.

2.The said Senthil Kumar was working in Vinayaga Rice Godown. After the marriage, he left the job and tortured the Petitioner's daughter to bring more dowry. Senthil Kumar and his mother Unnamalaiammal, have often tortured the Petitioner's daughter to go for a job and also to bring more dowry from her parents house. The Petitioner's daughter, unable to bear the torture of the husband and the mother-in-law, came to the house of the Petitioner and informed the Petitioner about the torture meted out to her by



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the husband and the mother-in-law. The Petitioner consoled her and sent her back to her matrimonial home on 22.03.2023. On the same day in evening hours, he received a message that his daughter died. Therefore, he lodged a complaint with the second Respondent. The complaint of the Petitioner was registered as Cr.No.93 of 2023 under Section 174 of Cr.P.C. It is the further submission of the learned Counsel for the Petitioner that the investigation had been dropped, as suicide without conducting proper investigation. Therefore, he seeks withdrawal of the investigation from the file of the second Respondent and to transfer the same to any other investigation agency, as per the representation given by the Petitioner to the first Respondent on 06.02.2023.

3.The learned Additional Public Prosecutor, on instructions from the Respondents 1 and 2, submitted that negative final report had been filed before the learned Judicial Magistrate, Andipatti, in which, notice was served on the De-Facto Complainant, the Petitioner herein. He had raised objections regarding the same averments before the learned Judicial Magistrate, therefore, the learned Judicial Magistrate, heard the enquiry and instead of recording the closure report of the Investigation Officer, had



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ordered further investigation by the same Investigation Officer. Therefore, it is his contention that R.C.S.No.85 of 2023 is pending on the file of the learned Judicial Magistrate, Andipatti and that this Court cannot order withdrawal of investigation at this stage, when the learned Judicial Magistrate is seized of R.C.S.No.85 of 2023 awaiting further investigation report.

4. When the case came up for hearing on 13.02.2024, this Court had sought remarks from the learned Judicial Magistrate, Andipatti. Today (27.02.2024), the remarks had been received by this Court from the learned Judicial Magistrate, Andipatti.

5. As per the remarks offered by the learned Judicial Magistrate, Andipatti in his letter in D.No.317/2024 dated 19.02.2024, RCS.No.85 of 2023 was filed and notice was served on the *defacto* Complainant. The *defacto* Complainant appeared through Counsel and objected to the closure of the investigation. After conducting the enquiry, the learned Judicial Magistrate, Andipatti instead of recording the Referred Charge Sheet had ordered further investigation. Now, the case is pending investigation.



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6.Considering the remarks offered by the learned Judicial Magistrate, Andipatti, the first Respondent/the Superintendent of Police, Theni District, is directed to nominate a Senior Officer not below the rank of Deputy Superintendent of Police to supervise the investigation. He is also directed to monitor the investigation. The investigation shall be completed within the reasonable period of three months from the date of order of further investigation by the learned Judicial Magistrate, Andipatti.

With the above directions, this Criminal Original Petition is disposed of.

Internet:Yes./No
Index:Yes/No
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27.02.2024

To

- 1.The Superintendent of Police,
Theni District,
Theni.
- 2.The Inspector of Police,
Antipatti Police Station,
Theni District.

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3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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