



Crl.O.P.No.4046 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 04.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.4046 of 2023
& Crl.M.P.No.2548 of 2023

S.Venkatesan,
S/o.Subramania Pillai,
No.8/2, 2nd Floor,
Kavimani Street, Thepakulam,
Madurai 625009.

... Petitioner

/versus/

1. The Superintendent Of Police,
Tiruvarur District.

2. The Inspector Of Police
Tiruvarur Town Police Station,
Tiruvarur.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C.,
pleaded to set aside the Spl.SC.No.91/2022 on the file of the Honble Mahila
Court, Tiruvarur and issue a direction for the fresh investigate before any other
independent agency.

For Petitioner : Mr.G.Anto Prince
For Respondents : Mr.K.M.D.Muhilan
Government Advocate (Crl.Side)



Crl.O.P.No.4046 of 2023

ORDER

WEB COPY

This Criminal Original Petition has been filed to set aside Spl. SC No. 91/2022 on the file of the Hon'ble Mahila Court, Tiruvarur, and to issue a direction for a fresh investigation by an independent agency.

2. The petitioner's daughter married one Sundaramurthy, and after the marriage, there was huge demand of money to run a Nursery and Primary School by the petitioner's son-in-law's brother. Accordingly, on such demand, a sum of Rs. 15,00,000/- was paid by the petitioner to his daughter. Later, when the petitioner's daughter insisted on the refund of the said loan, all the family members engaged in acts of criminal intimidation against the petitioner's daughter. Subsequently, she was brutally murdered by the petitioner's family members.

3. On the complaint lodged by the petitioner's son-in-law, with other family members named as witnesses, the 2nd respondent filed final report, and the same was taken cognizance in S.C. No. 91 of 2022 on the file of the Mahila Court, Tiruvarur. In fact, the petitioner also filed a petition for the transfer of the investigation in Crl.O.P.No.12836 of 2021 before this Court.



Crl.O.P.No.4046 of 2023

Since the investigation was completed and the final report was filed, this Court

closed the petition.

4. The petitioner's case is that although the petitioner was cited in the list of witnesses (LW.10 as per the charge sheet), it was found that the grandchildren (i.e., the children of the deceased), who were eye witnesses to the incident, were not listed as witnesses. Now, the prosecution has examined P.W.1 to P.W.9. At this stage, the petitioner acknowledges that a fresh investigation cannot be done. However, the trial Court is directed to examine the petitioner and also the children of the deceased as prosecution witnesses. If there are any grounds to charge the persons allegedly committed the crime, the Trial Court is directed to invoke the provisions under Section 260 and 319 of the Cr.P.C. and proceed with the trial against the newly added accused and for the new charges, in accordance with the law.

5. With this direction, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

04.02.2025

Index : Yes/No

Neutral citation : Yes/No



Crl.O.P.No.4046 of 2023

Speaking/non-speaking order

WEB COPY

To,
1. The Superintendent Of Police,
Tiruvarur District.

2. The Inspector Of Police
Tiruvarur Town Police Station,
Tiruvarur.

3. The Public Prosecutor, High Court, Madras.



WEB COPY



Crl.O.P.No.4046 of 2023

G.K.ILANTHIRAIYAN, J.

bsm

Crl.O.P.No.4046 of 2023

04.02.2025