



WEB COPY

WP No. 5023 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-02-2025

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THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

WP No. 5023 of 2024

and

W.M.P.No.5515 of 2024

P.Vasantha

Petitioner(s)

Vs

1. The Director General of Police,
Tamil Nadu Circle,
Dr.Radha Krishna Road,
Chennai-600 004.

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

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

4.The Inspector Of Police
CBCID, Namakkal District.

5.Ayyavu

Respondents



Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st and 2nd respondents to consider the representation of the petition dated 12.02.2024 by Transfer the case in Cr.No.80 of 2024 on the file of Inspector of Police, Namakkal Police Station to The Inspector of Police, CBCID, Namakkal District secure the ends of justice.

For Petitioner(s): R.Sankarasubbu

For Respondent(s): K.M.D.Muhilan
Government Advocate (Criminal Side
for R1 to 4)

ORDER

This Writ Petition is filed for issuance of a Writ of Mandamus to direct the 1st and 2nd respondents to consider the representation of the petition dated 12.02.2024 by Transfer the case in Cr.No.80 of 2024 on the file of Inspector of Police, Namakkal Police Station to The Inspector of Police, CBCID, Namakkal District secure the ends of justice.

2. The case of the petitioner is that the petitioner's husband, namely Palanisamy, was subjected to torture and harassment and due to unbearable torture he committed suicide with a suicidal note and case in Crime No.80 of



2024 was registered before the third respondent police under Section 174 of

Code of Criminal Procedural, 1973. However, the case is in the initial stage

without any progress in the investigation. Therefore, the petitioner has made a

representation dated 12.02.2024 before the first and second respondents,

seeking transfer of investigation in Crime No.80 of 2024 on the file of Inspector

of Police, Namakkal, Police Station to the file of the Inspector of Police,

CBCID, Namakkal to secure the ends of justice. However, the said

representation was not at all considered by the respondents 1 and 2, and hence,

the petitioner had filed the present Writ Petition.

3. The learned counsel for the petitioner would submit that in the suicidal note, serious allegation has been made against the 5th respondent, who is none other than a member of Tamil Nadu Bar Council and most influential person in local police circles. Apart from the suicidal note, the petitioner also lodged a complaint with specific allegation against the 5th respondent, stating that the 5th respondent had received huge amount from the petitioner's husband as loan and failed to repay the same and the 5th respondent induced the petitioner's husband



to invest crores together in several investments and the money was utilized by

the 5th respondent. The 5th respondent also obtained signed blank cheque

leaves and pro-notes from the petitioner's husband. Further, he would submit

that the 5th respondent threatened the deceased, by stating that if the immovable

properties are not transferred in his name, he would file a complaint under

Section 138 of the Negotiable Act, against the petitioner's husband. Therefore,

due to the threat and harassment of the 5th respondent, the petitioner's husband

had committed suicide by hanging himself.

3.1. The 3rd respondent registered an FIR under Section 174 of Code of Criminal Procedure Code. Thereafter, the petitioner also submitted a detailed representation dated 12.02.2024 before the 3rd respondent, seeking transfer of investigation in Crime No.80 of 2024 on the file of Inspector of Police, Namakkal, Police Station to the file of the Inspector of Police, CBCID, Namakkal. The petitioner also made serious allegations against the 5th respondent. Since the 5th respondent being the Advocate and Member of Tamil Nadu Bar Council, the 3rd respondent did not proceed further on the case in



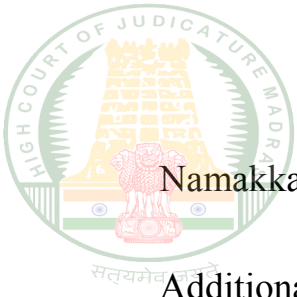
Crime No.80 of 2024 registered under Section 174 of CrPC.

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4. The learned Government Advocate appearing for the respondents 1 to 4 submitted that the suicidal note was already sent to the Tamil Nadu Forensic Science Laboratory (TNFSL) to identify the handwriting in the suicidal note of the petitioner's husband. Further, he would submit that, on receipt of report from the TNFSL, necessary action would be taken by altering the FIR.

5. Heard the learned counsel on either side and perused the materials available on record.

6. On perusal of the records, it is seen that the 2nd respondent sent a communication to TNFSL on 04.04.2024, vide Doc.No.8212024. However, no report has been received from the TNFSL sofar. Therefore, this Court feels that there is no possibility of fair investigation from the hands of the 3rd respondent and therefore the entire investigation in Crime No.80 of 2024 on the file of the third respondent is hereby withdrawn and transferred the same to CBCID,



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Namakkal District for proper and fair investigation. It is made clear that the Additional Director General of Police, Chennai is directed to appoint a police officer not below the rank of the Deputy Superintendent of Police, CBCID, as Investigation Officer to investigate into the case registered in Crime No.80 of 2024. Upon receipt of the entire case bundle, the Investigation Officer is directed to proceed with the investigation by altering the FIR as against the accused persons and proceed with the same.

7. The Investigation Officer is directed to complete the investigation within a period of twelve (12) weeks from the date of receipt of entire case bundle from the 3rd respondent. The TNFSL is directed to send a report with regard to the suicidal note of the deceased in respect of Doc.No.8212024 dated 04.04.2024 to the Investigation Officer, within a period of one week from the date of receipt of a copy of this order.



8. With the aforesaid terms, this Writ Petition is allowed. No costs.

Consequently, connected Miscellaneous Petition is closed.

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26-02-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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Note: Registry is directed to communicate this order to:

The Director of Tamil Nadu Forensic Science Laboratory (TNFSL)
Chennai.

To

1. The Director General Of Police
Tamil Nadu Circle, Dr. Radha Krishna Road,
Chennai-600 004.

2. The District Superintendent Of Police
Namakkal, Namakkal District.

3. The Inspector Of Police
Namakkal Police Station, Namakkal District.

4. The Inspector Of Police
Cbcid, Namakkal District.

5. The Additional Director General of
Police of CBCID, Namakkal.



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