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CrI.O.P.No.3670 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders Reserved on : 28.04.2025

Orders Pronounced on : 04.06.2025

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

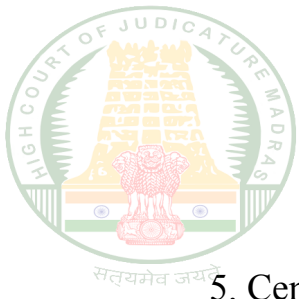
CrI.O.P.No.3670 of 2025

V.Gopi

... Petitioner

Vs

1. The State Rep. by
The District Collector Chengalpattu,
Chengalpattu Collector Office,
Chengalpattu – 603 001.
2. DGP,
P.B.No.601, Radhakrishnan Salai,
Mylapore, Chennai – 600 004.
3. IGP North,
19/3, Karuneeagar S, Ramapuram,
Military Quarters, Alandur,
Chennai – 600 016.
4. Commissioner of Police Tambaram City,
Tambaram City Commissionerate,
Semmozhi Salai, Chennai – 600100.



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5. Central Bureau of Investigation,
Chennai Zone, Joint Director and Head of Zone,
III Floor, E.V.K., Sampath Building,
College Road, Chennai – 600 006.

6. Assistant Commissioner of Police,
Tambaram City Commissionerate,
Selaiyur Range, Chennai – 600 073.

7. Yogalakshmi

8. Dinesh

9. Stephenkumar

10. Vishnuraj

11. Sriram @ Sri

12. Jothilingam

... Respondents

Criminal Original Petition is filed under Section 482 of Cr.P.C., to set aside the final report filed by the sixth respondent in S.C.No.117/2024 on the file of the Principal District and Sessions Judge, Chengalpattu and consequently transfer the investigation to the fifth respondent to conduct a fresh/further investigation based on the complaint representation sent by the petitioner and file a final report in the said case before the appropriate Court.



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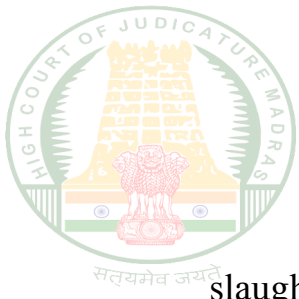
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For Petitioner : Mr.B.Mohan
For Respondents : Mr.R.Vinothraja,
Government Advocate (Crl.Side)
(for R1 to R4 & R6)
R8 to R12 Notice Served

ORDER

This Criminal Original Petition has been filed to set aside the final report filed by the sixth respondent in S.C.No.117 of 2024 on the file of the Principal District and Sessions Judge, Chengalpattu, and consequently, to transfer the investigation to the fifth respondent to conduct fresh/further investigation.

2. The case of the prosecution is that the petitioner belongs to the Scheduled Caste Adi Dravidar Community. The petitioner's son fell in love with one Sharmila and got married, which was objected to by Sharmila's family members. While that was so, on 24.04.2024, the petitioner's son was invited to Jolly Bay Bar Parking lot at Pallikaranai, Chennai. When his son reached there, the accused persons attacked him with a deadly weapon and



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slaughtered him, due to which he sustained grievous injuries and died on the spot. Subsequently, the First Information Report was registered in Crime No.104 of 2024 for the offences punishable under Section 302 of IPC and Section 3(2)(v) of the SC/ST (Prevention of Atrocities) Act, 1989. Thereafter, the sixth respondent conducted an investigation and filed a final report for the offences punishable under Sections 147, 148, 120B, 149, and 302 of IPC and Section 3(2)(v) of the SC/ST (Prevention of Atrocities) Act, 1989, and the same has been taken cognizance by the Trial Court in S.C.No.117 of 2024, and it is pending for trial.

2.1. While the investigation was pending, the father of the deceased, viz., the petitioner herein, and his wife submitted several representations to implead the entire family members of the said Sharmila as accused in the case of murder of his son. While the investigation was pending, the petitioner's daughter-in-law, viz., the said Sharmila, also committed suicide in her matrimonial home with a detailed suicidal note. Subsequently, the First Information Report was registered in Crime No.216 of 2024 under Section 173(3) on the file of the Sub-Inspector of Police, T-



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14 Pallikaranai Police Station, and it is pending investigation. However, the sixth respondent herein, without impleading the family members of the said Sharmila as accused, filed the final report only against the five accused persons, including one of the brothers of the said Sharmila as an accused. Therefore, the petitioner filed this petition to set aside the final report and sought further investigation.

3. Though notice was served on the fifth, eighth to twelfth respondents, their names are also printed in the cause list, no one appeared on behalf of them.

4. Heard the learned counsel for the petitioner and learned Government Advocate (Crl.Side) appearing for the first to fourth and sixth respondents and perused the materials available on record.

5. The learned counsel for the petitioner would submit that it is a case of honour killing by the family members of the said Sharmila at Pallikaranai on 24.04.2024. The entire occurrence is very much available in

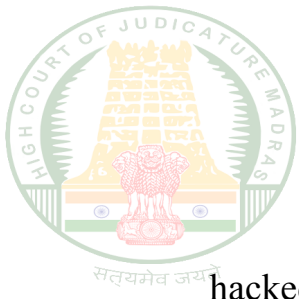


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CCTV footage. There are totally five accused in this case. However, the Investigating Officer failed to investigate in a proper and fair manner and filed the final report only against the five accused persons. Only on the instructions of the parents of the said Sharmila, the occurrence had happened, and as such, the family members of the said Sharmila have to be impleaded as accused. In fact, the said Sharmila committed suicide with detailed suicidal note; accordingly, the entire family members were responsible for her suicide. After marriage, they also sought police protection from the family members, which shows that they already suspected the intention of the family members, and even then, they were not protected by the jurisdictional police.

5.1. He would also submit that after their marriage, the first accused threatened the couple and the entire family members, even at the police station in the presence of all police personnel. The entire family members of the said Sharmila hatched a conspiracy to do away with the deceased. In pursuance of the said conspiracy, the deceased was called upon to come to Jolly Bay Bar Parking lot at Pallikaranai, Chennai, where he was



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hacked to death by the accused. He would further submit that even before the suicide committed by the said Sharmila, she was deposed before the learned Judicial Magistrate under Section 164 of Cr.P.C., wherein she stated that her father and brother were also involved in the murder of her husband. Even then, the sixth respondent failed to implead the family members of the said Sharmila as accused, since the accused are politically influential persons.

6. On perusal of the counter-affidavit filed by the sixth respondent and on the submissions made by the learned Government Advocate (CrI.Side) appearing for the first to fourth and sixth respondents, it is revealed that the son of the petitioner got married to the said Sharmila, and it was an inter-caste marriage. Due to the said marriage, enmity arose between the deceased and the said Sharmila's family members. On the date of occurrence, the first accused, viz., the brother of the said Sharmila, with other accused, planned to commit the murder of the deceased. Accordingly, he was lured to the particular place and murdered with deadly weapons. During the course of investigation, the confession statements of all the



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accused persons were recorded, and they were arrested and remanded to judicial custody. After completion of the investigation, the sixth respondent filed the final report for the offences punishable under Sections 147, 148, 120B, 149, and 302 of IPC and Section 3(2)(v) of the SC/ST (Prevention of Atrocities) Act, 1989, and the same has been taken cognizance of by the Trial Court in S.C.No.117 of 2024.

7. Further, it is revealed that the deceased, viz., the son of the petitioner, is an accused in the murder case of one Bright Alwin in Crime No.1007 of 2022, registered for the offences punishable under Sections 147, 148, 342, 307, and 302 of IPC. That apart, A2 to A5 are none other than close friends of the deceased Bright Alwin, who was murdered by the deceased herein. Therefore, it is a case of retaliation, and in order to take revenge, the deceased was murdered by the close friends of the deceased Bright Alwin, who was murdered by the petitioner's son, along with the first accused, who happens to be the brother of the said Sharmila.



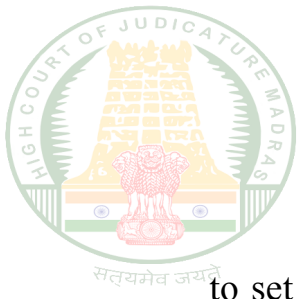
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8. In fact, there was an objection from the said Sharmila's family members at the time of marriage between the petitioner's son and the said Sharmila. The marriage between the deceased and the said Sharmila was solemnized on 19.10.2023. They lived in the matrimonial home, viz., the petitioner's house. Only on 24.02.2024, the deceased was hacked at a particular place and he was murdered by the accused. In the meantime, i.e., from 19.10.2023 to 24.02.2024, there was absolutely no untoward incident, such as threatening at the hands of the family members of the said Sharmila.

9. On a perusal of the statement recorded under Section 164 of Cr.P.C. of the said Sharmila and the suicidal note, it does not reveal any specific allegations against the parents of the said Sharmila in the case of the murder of the petitioner's son.

10. Though the said Sharmila's brother was also present along with the other accused persons and murdered the petitioner's son, there is no clinching evidence to connect the other family members of the said Sharmila to implead them as accused. Therefore, this Court finds no reason



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to set aside the final report filed by the sixth respondent and consequently, to transfer the investigation to the fifth respondent to conduct fresh/further investigation.

11. Accordingly, this Criminal Original Petition is dismissed. However, the petitioner is at liberty to invoke the provisions under Sections 216 and 319 of Cr.P.C. before the Trial Court during the trial.

04.06.2025

Index: Yes/No
Neutral Citation: Yes/No
kv

To

1. The Principal District and Sessions Judge,
Chengalpattu.
2. The District Collector Chengalpattu,
Chengalpattu Collector Office,
Chengalpattu – 603 001.
3. The DGP,
P.B.No.601, Radhakrishnan Salai,
Mylapore, Chennai – 600 004.



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4. The IGP North,
19/3, Karuneeagar S, Ramapuram,
Military Quarters, Alandur,
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Tambaram City Commissionerate,
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6. The Central Bureau of Investigation,
Chennai Zone, Joint Director and Head of Zone,
III Floor, E.V.K., Sampath Building,
College Road, Chennai – 600 006.
7. The Assistant Commissioner of Police,
Tambaram City Commissionerate,
Selaiyur Range, Chennai – 600 073.
8. The Public Prosecutor,
High Court of Madras.



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G.K.ILANTHIRAIYAN, J.

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Pre-Delivery Order in
CrI.O.P.No.3670 of 2025

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