



CRL OP(MD). No.4485 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 11.03.2025

CORAM

**THE HON'BLE MR.JUSTICE B.PUGALENDHI**

CRL OP(MD). No.4485 of 2025

Vijay Pandi

... Petitioner

Vs

1.State of Tamil Nadu

Represented by

The Joint Director of CBI (South Zone),

No.26, 3<sup>rd</sup> Floor,

Haddows Road,

Shasthri Bhavan,

Chennai.

2.The Inspector of Police,

Odaipatti Police Station,

Odaipatti,

Theni District.

Crime No.108 of 2017.

3.The Inspector of Police,

CBCID, Theni,

Theni District.

Crime No.2 of 2018.

... Respondents



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**PRAYER:** Petition filed under Section 528 of B.N.S.S of 2023, to set aside the closure report, dated 14.03.2024 in Crime No.2 of 2018, on the file of the third respondent and the first respondent to reinvestigate the case in Crime No.2 of 2018.

For Petitioner : Mr.D.Rameshkumar  
For R1 : Mr.C.Muthu Saravanan  
Special Public Prosecutor  
For R2 : Mr.T.Senthil Kumar  
Additional Public Prosecutor

### **ORDER**

The petitioner's father-in-law, namely Pandian was found dead under suspicion circumstances. Therefore, the son of the deceased has lodged a complaint before Odaipatti police station on 07.05.2017, based on which, a case in Crime No.108 of 2017 was registered. Though the case was registered under the caption "man missing", subsequently, the said Pandian's dead body was found in a Well of one Thavamurugan, the case was altered into Section 174 of Cr.P.C., On investigation, they found that the death of the deceased Pandian had occurred due to shock and hemorrhage, out of multiple injuries sustained. Since the respondent police have not found any



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material to alter the First Information Report into Section 302 IPC, they have filed the final report as "action dropped". Without finding out the reasons for the injuries caused to the deceased, police has mechanically filed the final report before the Executive Magistrate, which was accepted by the learned Executive Magistrate, Uthamapalayam. Considering the manner, in which, the investigation was conducted without identifying the reasons for the injuries found on the deceased and the manner in which, the final report was filed before the Executive Magistrate, this Court, by its order dated, 03.10.2018, in Crl.OP(MD)No.17280 of 2017, transferred the investigation from the file of the Odaipatti Police station to the CBCID, Madurai. The CBCID has also conducted the investigation and filed the final report before the Judicial Magistrate, Theni that it is not the case of murder and it is only a case of an accident and the same was mechanically taken on file by the learned Judicial Magistrate in RC No.50 of 2023 on 24.02.2023.



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2.The learned counsel for the petitioner submits that the investigation in Crime No.108 of 2017 was not properly conducted by the Odaipatti police station. Therefore, considering the facts and circumstances and the manner, in which, the investigation was conducted, this Court, by its earlier order, dated 03.10.2018 has transferred the investigation to CBCID. According to the learned counsel, even CBCID has not conducted the investigation in a proper manner and has filed the final report in a mechanical manner, as if they were not in a position to find out the culprit of the alleged occurrence. The learned counsel by referring the postmortem certificate submits that the victim was suffered with nine injuries and those injuries were not accounted for. The learned counsel also submits that he has given particulars about the suspected persons, against whom the investigation agency has not conducted any investigation. Therefore, he requests to order for re-investigation in this matter.



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3.The learned Additional Public Prosecutor assisted by

the Inspector of Police, who conducted the investigation submits that they have obtained three reports from the doctor, who conducted postmortem and found that the injuries found on the deceased are not by attacking the deceased and these injuries might have been caused when he fell down in the Well. Therefore, the investigating agency has come to a conclusion that it is not a case of murder and it is only a case of an accident. The learned Additional Public Prosecutor further submits that they have examined the witnesses produced by this petitioner before the learned Judicial Magistrate and they have also recorded their statements under Section 164 of Cr.P.C. None of those witnesses referred by this petitioner has supported the case of this petitioner and therefore, in the absence of any materials to fix the case as that of a murder case, they have closed the case that it is a case of accident. The final report is now taken on file by the learned Judicial Magistrate, Theni in RC No:50 of 2023.



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4.It is reported that this petitioner has also filed a protest petition and the learned Magistrate has passed an order for further investigation. They have also complied with the order, conducted further investigation but could not find out any reason to fix the case as that of a murder case and therefore they have closed the case once again and filed the final report to that effect. The learned counsel for the petitioner further submits that since the investigation agency has now filed two reports before the learned Judicial Magistrate, that they could not find out the culprit, considering the nature of injuries, he requests this court to order for re-investigation.

5.This Court considered the rival submissions made and also perused the materials placed on record.

6.This petitioner with a grievance that the investigating agency has not conducted the investigation properly on the suspicious death of his father-in-law, has approached this Court to order for re-investigation. During the course of investigation, the



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reasons for the injuries found on the deceased were not even investigated, and considering the manner in which, the final report was filed before the Executive Magistrate, this Court, by its order dated, 03.10.2018, transferred the investigation from the file of the Odaipatti Police station to the CBCID, Madurai. CBCID has also conducted the investigation, by verifying with the doctor thrice about the nature of injuries suffered by the deceased and has come to the conclusion that the injuries could have been sustained, when the deceased fell down in the Well and it is not by way of any attack. The investigation agency also claimed that they have conducted the investigation by examining the witnesses produced by the petitioner and recorded their statements under Section 164 of Cr.P.C. Even then, they could not find out any materials in support of the case of the petitioner.

7.In view of the above, this Criminal Original Petition is closed for the present with liberty to this petitioner to find out the witnesses, if any, and to furnish the details before the investigation



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agency. In the event, if any material is produced by this petitioner to make out a case, the investigation agency/CBCID can *suo motu* reopen the case and conduct further investigation based on the materials, if any, to be placed by the petitioner.

**11.03.2025**

NCC : Yes/No  
Index : Yes/No  
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**B.PUGALENDHI,J**

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**Order made in**  
**CRL OP(MD) No.4485 of 2024**

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