

W.P. CrI(MD)No.401 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED: 04.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

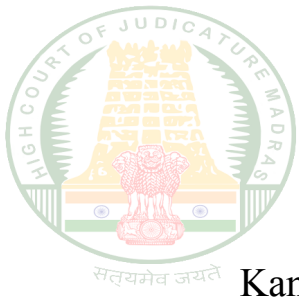
W.P.CrI.(MD)No.401 of 2025 and
WMP CrI.(MD) No.111 of 2025

M.Duraisamy

... Petitioner

Vs

- 1.The Government of Tamil Nadu,
Rep. by its Additional Chief Secretary,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
- 2.The Director General of Police,
Government of Tamilnadu,
Police Head Quarters,
Dr.Randhakrishnan Salai,
Mylapore,
Chennai-600 004.
- 3.The Superintendent of Police,
Kanyakumari District,
Nagercoil-629 001.
- 4.The Inspector of Police,
Kulasekharam Police Station,
Kulasekharam Post-629 161,



W.P. CrI(MD)No.401 of 2025

WEB COPY

Kanyakumari District.

5.The Director,
Central Bureau of Inverstigation,
Plot No.5b, CGO Building,
Lodhi Road,
New Delhi-110 003.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the official respondents'of the state of Tamilnadu to hand over the investigation of the criminal case in FIR.No.198 of 2025 dated 19.06.2025 on the file of the 4th respondent herein to the 5th respondent for the proper and effective investigation and to file the final report within the stipulated time.

For Petitioner	: Mr.Ananth C Rajesh
For R1	: Mr.F.Deepak Special Government Pleader
For R2 to R4	: Mr.E.Antony Sahaya Prabahar Additional Public Prosecutor

ORDER

The petitioner's son, namely, Dhanush was found dead in the house of one Mohamed Ali at Kulasekarapattinam in a suspicious circumstances. The petitioner's son and the daughter of



W.P. CrI(MD)No.401 of 2025

WEB COPY

Mohamed Ali were in love affair. They have studied together from school days. The petitioner's son was found hanging in the house of Mohamed Ali on 19.06.2025 and the same was informed by a police constable to the petitioner over phone. The petitioner, who is working as a coolie at Trichy proceeded to the place of occurrence at Kulasekarapattinam around 9.00 pm and lodged a complaint before the respondent police at about 10.00 p.m. The complaint of this petitioner was registered in Crime No. 198 of 2025 for the offence under Section 194 of BNSS. The petitioner has filed this petition, seeking transfer of investigation to CBI.

2. The learned counsel for the petitioner submits that the deceased Dhanush went to the house of Mohamed Ali at Kulasekarapattinam (occurrence place) in a Motor Cycle, bearing Registration No. TN 48 X117 and he was also in possession of laptop. The petitioner claims that the whereabouts of the motor cycle and laptop are not known. According to him, the respondent police has deleted some of the photographs and other materials in the



W.P. CrI(MD)No.401 of 2025

WEB COPY

laptop as well as in the mobile phone of the deceased. The learned counsel also submits that the petitioner has noticed some injuries in the body of the deceased and according to him, it is an honor killing. The father of the girl is against the love affair between the petitioner's son and his daughter and therefore, he has assaulted him and killed him. The petitioner claims that his wife is belonging to the scheduled caste. The police officers are helping the accused by not collecting any evidence and therefore, the petitioner seeks transfer of the investigation in Crime No.198 of 2025 from the file of the respondent police to the CBI.

3.Mr.F.Deepak, learned Special Government Pleader takes notice for the first respondent. Mr.E.Antony Sahaya Prabahar, learned Additional Public Prosecutor, who takes notice for the respondents 2 to 4 submits that this petitioner has lodged a complaint, wherein, it was stated that he has reached the place of occurrence only at 9.00 p.m, though he heard about the incident in the morning hours. The complaint of this petitioner was duly



W.P. CrI(MD)No.401 of 2025

WEB COPY

registered in Crime No.198 of 2025. Thereafter, inquest was conducted and the body was referred to the Kanyakumari Medical College Hospital on the same day. The deceased was subjected for postmortem on 20.06.2025 at 1:25 PM and the doctor, who conducted the post mortem has not found any injury on the body of the deceased. The doctor has noticed 75ml of brown coloured fluid from his intestine and therefore the same was preserved, and it was also sent for analysis. The report reveals that there is no poisonous substance in the intestine. The Scientific Officer, who conducted Viscera has examined the materials collected from the intestine of the deceased and submitted a report that they have not detected any ethyl alcohol or other poisonous substance in the samples, which were referred for viscera. Thereafter, the doctor has given his opinion that the deceased would have died by hanging.

3.1.The learned Additional Public Prosecutor further submits that after registration of the case, the Investigating Officer has also visited the place of occurrence and prepared Observation



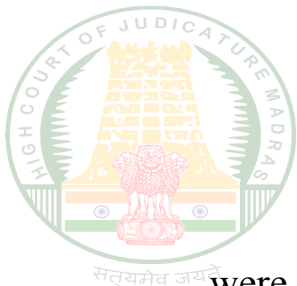
W.P. CrI(MD)No.401 of 2025

WEB COPY

Mahazar and also recovered HP Laptop, Mobile phone, Black Colour Laptop bag, Nylon rope, which was used by the deceased for committing suicide and motor Cycle bearing Registration No.TN 48 BX 1171 and they have produced the same before the learned Judicial Magistrate on the next day. Therefore, according to the learned Additional Public Prosecutor, they have conducted the investigation in a proper manner. From the Post Mortem report and the Viscera report, it reveals that this is a case of suicide.

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

5.The petitioner is an unfortunate father, who has lost his son aged about 21 years. The deceased, who had love affair with a girl, went to her home on 19.06.2025, by his motorcycle, wherein, he committed suicide. Based on the complaint of this petitioner, a case was registered. During the investigation, the deceased was subjected for postmortem and the report revealed that no injuries



W.P. CrI(MD)No.401 of 2025

WEB COPY

were found in the body of the deceased and this is a case of suicide.

The substance, which was collected from his intestine and preserved was sent to Viscera. The report of the viscera is also extracted as under.

- Item 1. Stomach and Contents
- Item 2. Intestine and Contents
- Item 3. Liver and Kidney
- Item 4. Blood
- Item 5. Preservative

Report: The above items were examined and Ethyl alcohol or other poison was not detected in any of them"

6.As per the report of the scientific officer, no poisonous substance was found in the sample produced for examination. The Doctor, who conducted the postmortem has also given an opinion that the deceased would have died of hanging. The grievance of the petitioner is that the respondent police has recovered the mobile and the laptop of the deceased and deleted the details from the mobile phone and laptop. The respondent police claimed that they have produced the recovered laptop, the mobile phone and other articles, including the motor cycle of the deceased before the concerned



W.P. CrI(MD)No.401 of 2025

WEB COPY

Magistrate Court. This Court is unable to find any fault in the investigation conducted by the respondent police and therefore, this Court is not inclined to entertain this petition, which is filed, seeking transfer of investigation in Crime No.198 of 2025 to CBI.

7. Accordingly, this Writ petition is dismissed. The respondent police is expected to conduct the investigation in a fair and unbiased manner. The respondent police is directed to furnish a copy of the Mahazar, opinion of the Doctor, Viscera Report to the petitioner. If the petitioner is having any other materials, he is at liberty to furnish the same to the investigating agency, and the Investigating Officer shall consider the materials, if any, to be placed by the petitioner. No costs. Consequently, connected Miscellaneous Petition is closed.

04.07.2025

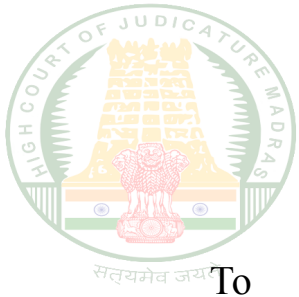
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WEB COPY



W.P. Crl(MD)No.401 of 2025



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To
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Chennai - 600 009.
2. The Director General of Police,
Government of Tamilnadu,
Police Head Quarters,
Dr. Randhakrishnan Salai,
Mylapore,
Chennai-600 004.
3. The Superintendent of Police,
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Nagercoil-629 001.
4. The Inspector of Police,
Kulasekharam Police Station,
Kulasekharam Post-629 161,
Kanyakumari District.
5. The Director,
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B.PUGALENDHI, J.

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