



Crl.O.P.(MD)No.989 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.989 of 2025

Kumaravel

... Petitioner

Vs.

1.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

2.The Inspector of Police,
Thirukurungudi Police Station,
Tirunelveli District,
(Crime No.94 of 2019)

3.The Inspector of Police,
CBCID,
Tirunelveli.

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of B.N.S.S., to call for the records pertaining to the impugned 'action dropped' final report dated 30.07.2019 submitted with annexures under Section 173 of Cr.P.C., before the learned Judicial Magistrate, Valliyoor by the second respondent in connection with Crime No.94 of 2019 on the file of the second respondent and to set aside and to consequently direct the third respondent herein to investigate the case and file final report afresh in accordance with law within a time stipulated by this Court.

For Petitioner : Mr.V.Sasi Kumar



WEB COPY



Crl.O.P.(MD)No.989 of 2025

For Respondents : Mr.A.Thiruvadi Kumar
Additional Advocate General

ORDER

The petitioner, father of Bhavani, had a lodged complaint about the suspicious death of his daughter and a case in Crime No.94 of 2019 under Section 174 of Cr.P.C., has been registered.

2.According to the petitioner, the petitioner's daughter was abused by one Nambithai, Pushpa @ Pushpalatha and Esakkiammal. But the respondent police had not conducted any investigation. Hence, the petitioner earlier filed a petition in Crl.O.P.(MD)No.8652 of 2022 seeking transfer of investigation and at that time, it was informed that as early as on 30.07.2019, the final report was filed and recording the same, the petition was closed. Thereafter, the petitioner, finding that no final report is available, had again filed Crl.M.P.(MD)No.4195 of 2023 to recall the order passed in Crl.O.P.(MD)No.8652 of 2022. At that time, the respondent police submitted that closure report was filed before the Tahsildar, Nanguneri in M.C.No.A8/43/19 on 30.07.2019. Hence, the respondent police was directed to submit the final report before the learned Judicial Magistrate concerned and the respondent police also filed the final report before the learned Judicial Magistrate concerned



Crl.O.P.(MD)No.989 of 2025

several times and all the times, it was returned. Till date, no final report is filed.

WEB COPY

3.The learned counsel for the petitioner submits that the respondent police in a hurried manner filed the final report without conducting proper investigation and hence, it was returned. The petitioner being an unfortunate father, is made to run from pillar to post seeking justice for his daughter's death. He further submits that in this case, the daughter of the petitioner had left a suicide note stating that the reasons for her death is one Chellammal, Pushpalatha and Esakkiammal. This death note has not been considered and investigated by the respondent police, though it was made available to them. Hence, sought for setting aside the closure report and to investigation the case further.

4.The learned Additional Public Prosecutor appearing for the respondent police fairly submits that in the closure report, it is recorded that on 25.07.2019, the deceased Bhavani is said to have committed suicide due to the act of Chellamal, Nambithai, Pushpa and Isakkiyammal, who treated the deceased in a different manner. On the other hand, in the penultimate paragraph of the report, it was recorded that the deceased Bhavani died due to the frequent dispute between



Crl.O.P.(MD)No.989 of 2025

herself and her parents. There are two different findings given and hence, the case on hand needs re-investigation. Further, there is no reference about the suicide note left by the deceased.

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

6. From the facts and circumstances of the case and the submissions made on either side, this Court is of the view that the respondent police and the Executive Magistrate had not considered the aspect of death note and had not analyzed the facts properly. Investigation must be certain with materials and facts. In this case, the manner in which the investigation was conducted, is not satisfactory in nature. In such circumstances, the closure report filed by the respondent police cannot be accepted.

7. In view of the same, the closure report filed by the respondent police is set aside. The Superintendent of Police /first respondent is directed to nominate a competent Officer in the cadre of Deputy Superintendent of Police to conduct investigation afresh and to file the final report as expeditiously as possible. It is made clear that the final



Crl.O.P.(MD)No.989 of 2025

report filed by the respondent police, which is lying before the learned Judicial Magistrate concerned, shall be returned to the respondent police.

7.This Criminal Original Petition is allowed on the above terms.

23.01.2024

NCC : Yes / No

Index : Yes / No

ta

Note: Issue order copy on 13.02.2025

To

- 1.The learned Judicial Magistrate,
Valliyoor.
- 2.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
- 3.The Inspector of Police,
Thirukurungudi Police Station,
Tirunelveli District,
(Crime No.94 of 2019)
- 3.The Inspector of Police,
CBCID,
Tirunelveli.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.989 of 2025

M.NIRMAL KUMAR, J.

ta

Crl.O.P.(MD)No.989 of 2025

23.01.2025