



CRL OP(MD). No. 8025 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 23.06.2026

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THE HONOURABLE MR. JUSTICE P. DHANABAL

CRL OP(MD). No. 8025 of 2023

Karikalan

...Petitioner

Vs

1. The Superintendent of Police
Thanjavur District, Thanjavur

2. The Inspector of Police
Thiruppanandal Police Station,
Thanjavur District

...Respondents

PRAYER : Petition filed under Section 482 of Cr.P.C., to transfer the investigation in Crime No.303 of 2017 from second respondent to any other competent officer or any other investigating agency as may be fixed by this Court.

For Petitioner : Mr.R.Maheswaran

For Respondents : Mr.N.Balasubramanian

Counsel for the State of Tamil Nadu (Crl.Side)



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ORDER

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This Criminal Original has been filed to transfer the investigation in Crime No.303 of 2017 from second respondent to any other competent officer or any other investigating agency

2. According to the petitioner he is an advocate and one Sundaramoorthy Thambiran was joint head of Sri-la- Sri kasimadam functioning at Thiruppandandal. On 19.09.2016 at about 7.30p.m., the said Sundaramoorthy Thambiran attended pooja held at Iyravatha Vinayagar Temple situated at Valayalkara Street and thereafter at about 8.30 pm., the said Sundaramoorthy Thambiran had food and immediately he passed away in a suspicious manner. On enquiry it was understood that there was inter management politics in the above said madam and due to which some miscreants had caused death of the said Sundaramoorthy Thambiran, therefore the petitioner lodged complaint before the respondent police on 20.09.2016, but no action was taken. Thereafter the petitioner filed petition under Section 156(3) of Cr.P.C., before the Additional District Munsif cum Judicial Magistrate Court, Kumbakonam in Cr.M.P.No.6295 of 2016 and based on the direction passed by the same the second respondent registered a case in Crime No. 303 of 2017 for the offence under Section 174 of



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Cr.PC., and thereafter no action was taken. While facts are being so, on

01.11.2016 a legal notice was sent to the Head of the above madam to provide necessary medical certificates of the deceased Sundaramoorthy Thambiran but they have sent a vague reply notice and not sent the medical certificates. After registration of the First Information Report no action was taken, there is no fair investigation on the part of the second respondent, therefore filed this petition to transfer the investigation.

3. The respondents filed counter stating that the averments levelled are denied and already they registered First Information Report in Crime No. 303 of 2017 under Section 174 of Cr.PC and thereafter the case was investigated by the Inspector of Police and they examined 12 witnesses and recorded their statements and also examined the doctor who gave treatment to the deceased. The investigation revealed that on 19.09.2016 the deceased had participated in a religious function at Kasi Mutt, Thiruppanandhal and thereafter food was served to all other devotees and participants. The witnesses who had served food to the deceased were examined and none of the witnesses have stated that no separate food had been served to the deceased and no suspicious substances has been mixed in the food. The food was served to other devotees and the same food was



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served to the deceased. The investigation reveals while consuming food the

deceased developed choking and thereafter taken for medical treatment .

Despite treatment unfortunately succumbed. Investigation did not reveal any material indicating the administration of poison, homicidal violence, conspiracy or any other suspicious circumstance connected with the death and therefore prayed to dismiss the petition.

4. Heard both sides and perused the materials available on record.

5. On perusal of records it is seen that the deceased died on 19.09.2016 but the case has been registered on 18.11.2017 after one year delay by that time the body had been interred with customary religious honours in accordance with traditions of Mutt and therefore no post mortem was conducted. Based on the First Information Report the second respondent also conducted elaborate investigation and as per the investigation there are no materials available to suspect the death of the deceased and he died due to choking. Therefore there are no records to suspect the death of the deceased and moreover the death was on 19.09.2016 and after one year the present First Information Report has been registered. Due to lapse of time there cannot be any availability of records



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and now after seven years from the date of death the transfer of

investigation will not serve any purpose . Even case was transferred to some other agency it is only a futile exercise and there are no allegations as against the present investigating officer. Therefore it is not appropriate to transfer the investigation at this stage. However if the petitioner is having any materials in respect of the death of the deceased he can produce the same before the 2nd respondent and they can conduct further investigation. In view of the above discussion this court is of the view that this petition has no merits and deserves to be dismissed.

6. Accordingly the petition stands dismissed.

23.06.2026

Index: Yes/No

NCC: Yes/No

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To

1. The Superintendent of Police
Thanjavur District, Thanjavur

2. The Inspector of Police
Thiruppanandal Police Station,
Thanjavur District

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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P. DHANABAL, J

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