FIRST INFORMATION REPORT

(Under Section 154 Cr.P.C.)

1. **District:** Chennai **PS:** SCB Chennai
Year: 2022
FIR No: RC0582022S0001 **Date:** 15/02/2022

2. **Acts & Sections:**

Acts	Sections	R/W Section
IPC	305	
IPC	511	
Juvenile Justice (Care & Protection of Children) Act, 2015	75	
Juvenile Justice (Care & Protection of Children) Act, 2015	82(1)	

3. **Suspected offences:** Unnatural Death of Ms Lavanya

(a) **Occurrence of offence:**
Day: Sunday **Time Period:**
From Date: 09/01/2022 05:00:00 PM **To Date:** 16/01/2022 09:30:00 AM

(b) **Information Received at PS:** SCB Chennai
Date: 11/02/2022

(c) **General Diary Reference:**
Entry No.: 9
Date: 15/02/2022 **Time:** 16:46:41

4. **Type of Information:** Others

5. **Place of Occurrence:** Michael Patti, Saint Michael Women's Hostel

(a) **Direction &distance from PS:** 1 Km North East from Thirukattupalli PS, Thanjavur
Beat No.: II

(b) **Address:**
Plot No.: Middle Street, Michael Patti, **Area:** Budalur Taluk
City: Thanjavur **Pin:**
State: Tamil Nadu **District:** Thanjavur

(c) **In case, outside the limit of this Police Station, then**
Name of PS: **District:**

6. **Complainant / Informant:**
Complainant 1

(a) **Name:** Miss. Lavanya
(b) **Father's/Husband's Name:** Muruganantham
(c) **Date/Year of Birth:** 2005
(d) **Nationality:** INDIAN
(e) **Passport:**

Passport No.	Date Of Issue	Place Of Issue

(f) **Occupation:**
(g) **Address:**

Plot No	Area	City	State	District	Pin
East Street	Vadugapalaiyam	Ariyalur	Tamil Nadu	Ariyalur	621704

7. **Details of known/suspected/unknown accused with full particulars:**
Accused 1
Name: Ms.Sagayamary (1)
Address:
Women's Hostel Warden, Middle Street, Michaelpatti, Budalur, Thanjavur, Tamil Nadu

8. Reasons for delay in reporting by the complainant/informant:

No delay

9. Particulars of properties stolen:

Item Name	Age of Property	Estimated Value (in INR)

10. Total value of property stolen:

11. Inquest Report/U.D. Case No., if any: -

12. First information contents:

Brief of FIR contents in Crime No.40/2022 of Thirukattupalli PS.

Today (16.1.2022) at about 09.30 AM, while I, K.Neduchezhian, SI (Trg), Thirukattupalli P.S. was in-charge of P.S., on receipt of information from Thanjavur T.M.C.H (Thanjavur Medical College Hospital), proceeded to TMCH and met Ms. Lanvanya, Age 17/2022, D/o Muruganantham, East Street, Vadugapalayam, Ariyalur District who was admitted as in-patient in ward No.6, enquired and obtained complaint and returned to P.S. and registered this case details of which are as follows :-

I am residing in East Street, Vadugapalayam, Ariyalur District with my parents. My mother Kanimozhi died about 8 years back. I have two younger brothers. After my mother's demise, my father got married to one Saranya and she has one son. During 2017, my father and stepmother admitted me in 8th Standard (Tamil medium) with Sacred Heart Higher Secondary School, Michaelpatti, near Thirukattupalli, Budalur Taluk, Thanjavur District and since then studying there by staying in the school hostel. Presently I am studying in 12th standard, A-1 Section (Maths-Biology). During the past 1 year, the hostel warden Sister Sagaya Mary used to take me to an office at Karumandapam, Trichy in connection with matters relating to running of the school hostel. When my mother came to know about this she instructed me not to go. But the sister used to take me to Trichy without my mother's knowledge. She used to ask me and other students to clean the hostel and do works like removal of grass from ground, cleaning of premises using water, etc. Hence, I could not concentrate in my studies. I didn't tell this to my parents or anyone. While I was in mental stress due to this, on 9.1.2022 after attending to works including removal of grass, cleaning of rooms and cleaning of premises, had my lunch and was watching TV in St. Michael Girls Hostel (Children Home), Michaelpatti and was speaking to my friends till 04.30 PM. After everyone left the prayer hall where we were watching TV, at about 5 PM, since I was being asked to do more and more works and was also getting scolded, got vexed and took Agrosone pesticide kept in the stationery almirah in prayer hall and consumed 1 ½ tumbler of the same. I started vomiting from 05.30 PM. At that time, Sister Sagaya Mary asked me to take rest. Since I was repeatedly vomiting, Kannamma, a cook who is working in the hostel took me to one Jersintha, a Nurse in the nearby area and I was given one injection and also two tablets. I did not tell them about the consumption of Agrosone pesticide. Later on 10.1.2022 at about 12 Noon, my parents came and took me to my residence in Vadugapalayam. Since I was having continuous stomach pain I was taken to Kulathur GH on 11.1.2022 and to Thirumanur GH on 12 and 13.1.2022 for treatment. On 15.1.2022 morning, after consulting Senthilnathan Clinic at Ariyalur, came to Thanjavur and admitted in GH for treatment. While I was in treatment at ward No.6, during enquiry by Thirukattupalli Police, I narrated the facts which was written down, read over to me and whatever I stated have been recorded correctly. I am signing in the statement with a request to take necessary action.

13. Action taken : Since the above information reveals commission of offence(s) u/s as mentioned at Item No.2:

(1) Registered the case and took up the investigation: Yes

OR

(2) Directed

Name of IO: R Ravi

Rank: DY. SUPDT. OF POLICE (SCB Chennai)

No: 64597

to take the investigation

OR

(3) Refused investigation due to:

OR

(4) Transfered To PS: **District:**

on point of jurisdiction.

Attached documents:

Document name

FIR in Crime No.40 of 2022 of Thirukattupalli PS, Thanjavur District

Supreme Court order dated 14.02.2022

High Court of Madras Madurai Bench Order in Crl OP MD No.1344 of 2022 dated 31.01.22

FIR read over to the complainant/informant, admitted to be correctly recorded and a copy given to the complainant / informant, free of cost.

R.O.A.C.

14. Signature/Thumb Impression of the complainant/informant

Signature of Officer in-charge Police Station

Name: Nirmala Devi S

Rank: SUPDT. OF POLICE (SCB Chennai)

15. Date and time of dispatch to the Court: AT 18.00 HOURS.

THE CHIEF JUDICIAL MAGISTRATE,
THIRUCHIRAPALLI.

Digitally signed by Nirmala Devi S
Date: 2022.02.15 16:54:17 IST
Reason:
Location:

Supdt. of Police
CBI/SCB/Chennai.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
RESERVED ON : 28.01.2022
DELIVERED ON : 31.01.2022
CORAM :
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
Crl OP(MD)No.1344 of 2022

Muruganantham ... Petitioner

Vs.

1.The Director General of Police,
Police Head Quarters,
No.1, Radhakrishnan Salai,
Mylapore, Chennai - 600 004.

2.The Deputy Inspector General of Police,
Trichy Zone, Trichy.

3.The Superintendent of Police,
Thanjavur District, Thanjavur.

4.The Inspector of Police,
Thirukattupalli Police Station,
Thanjavur District. (Crime No.40 of 2022)

5.The Immaculate Heart of Mary Society
constituted by "The Roman Catholic
Congregation of the Order of Immaculate
Heart of Mary, Pondicherry"
Rep.by its Provincial
Rev.Dr.Sr.Rosari D/o.Palraj ... Respondents

(5th respondent impleaded vide court
order dated 28.01.2022 in Crl.MP(MD)No.1250 of 2022)

Prayer: Criminal Original Petition filed under Section 482 of Cr.PC, to transfer the investigation of Crime No.40 of 2022 from the file of the fourth respondent to CBCID or any other independent investigating agency under the supervision of the first respondent and complete the investigation and file final report within a stipulated period as may be fixed by this Court.

For Petitioner : Mr.M.Karthikeya Venkatachalapathy
For Respondents 1 to 4 : Mr.T.Senthil Kumar,
Additional Public Prosecutor

For Intervenor : Dr.Fr.Xavier Arulraj,
Senior Counsel,
for Ms.Amala Irudhaya Mary.
& Mr.Benitto

9/2/22.

"C" 3035936

ORDER

This case concerns posthumous justice-rendering justice to a child who set the criminal law in motion and who is now no more.

Events leading to the filing of this petition : -

2."L" was a student studying in 12th standard in Sacred Heart Higher Secondary School, Michealpatti. She was also residing in St.Micheals Boarding, the hostel run by the school. She had been under the care of the institution since her 8th Standard. While so, on 09.01.2022, in the evening hours, when she was in the hostel, she consumed pesticide and began to vomit shortly thereafter. Finding her unwell, the hostel cook took her to a local nurse who administered injection and gave some tablets. "L" was still continually vomiting. The hostel authorities informed the petitioner who is her father about "L"'s condition. Immediately, the petitioner came to the hostel and took the child home. "L" did not disclose either to the hostel authorities or to her parents that she had consumed pesticide. "L" was given treatment for stomach pain. As her condition worsened, she was taken to a local hospital and thereafter admitted in Thanjavur Medical College Hospital, Thanjavur on 15.01.2022 at around 5.00 p.m. Dr.Soundarya found out the actual cause after examining her scan report.

3.Intimation was sent to Thirukattupalli police station from Government Hospital. On 16.01.2022 at around 09.30 a.m., a trainee S.I recorded the statement of the child. Crime No.40 of 2022 was registered for the offences under Sections 305 and 511 of I.P.C. and Sections 75 and 82(1) of the Juvenile Justice (Care and Protection of Children) Act 2015. On the same day, from 04.25 p.m to 04.50 p.m, the Judicial Magistrate No.I, Thanjavur recorded her statement after obtaining medical opinion from the duty doctor about her fitness. On 19.01.2022 at around 15.30 hours, the child passed away. Thereafter, alteration report was filed and investigation was taken over by the Inspector of Police, All Women Police Station, Thiruvaiyaru. On the next day, a video of the child alleging that the correspondent of the school spoke to her parents about conversion to Christianity was circulated in the social media. The petitioner also submitted a complaint by enclosing the said video to the Superintendent of Police, Thanjavur District. Since the identity of the victim was not suppressed in the video, Tanjore Police registered a criminal case in that regard. The Superintendent of Police held a press conference stating that the preliminary investigation conducted by the police ruled out the conversion angle. In this background, the father of the child filed this petition under Section 482 of Cr.P.C. seeking transfer of investigation.

Initial directions issued by the Court : -

4.Mention was made in the afternoon of 21.01.2022 for emergent listing. Based on the submissions made by the petitioner's counsel,

I directed that forensic autopsy shall be done. Later, the office of the Additional Public Prosecutor, Madurai Bench informed the Registry that autopsy had already been done and they wanted clarification if I had directed second postmortem to be conducted. Registry brought this to the notice of the Hon'ble Administrative Judge who permitted holding of a special sitting on 22.01.2022. After ascertaining the views of the petitioner through video conferencing, I clarified that there was no need for a second autopsy. The petitioner also agreed to receive the body of the child. I directed recording of the statements of the petitioner and his wife under Section 164 of Cr.P.C.

5.The matter was again listed on 24.01.2022. By then, the recorded statements of the parents had been received in a sealed cover. After going through their contents, I directed the Court Officer to hand over the same to the investigation officer. I asked the petitioner as to who recorded the video. The petitioner replied that at his instance one Muthuvel recorded the video. I wanted to know from the investigation officer if she suspected the authenticity of the video. The investigation officer fairly stated that the voice was very much that of the child. However, for investigation purposes, she needed the original mobile phone and sim card with which the video was recorded. I thereupon directed that Thiru.Muthuvel should appear before the Investigation Officer on 25.01.2022 and hand over the original mobile phone. Few other directions were issued for submission of forensic reports. The case was ordered to be called on 28.01.2022.

Contentions of the petitioner : -

6.When the matter was taken up on 28.01.2022, Shri.Karthikeya Venkatachalapathy, the learned counsel appearing for the petitioner submitted that as a result of certain subsequent developments, the petitioner has completely lost faith in the State police. He prayed for transfer of investigation to the Central Bureau of Investigation. The learned counsel pointed out that a high ranking Minister had given a public interview absolving the school authorities of the charge of conversion. The Education Department had conducted a departmental enquiry and gave clean chit to the school administration. He also passionately argued that the State police have selectively leaked information so as to build a counter narrative. He filed additional typed set of papers and also relied on a catena of case laws.

Objections raised by the Additional Public Prosecutor : -

7.The learned Additional Public Prosecutor appearing for the State submitted that no case for transfer of investigation has been made out. According to him, the investigation is proceeding on the right lines. Immediately after receiving intimation from Thanjavur Medical College Hospital, the police had promptly gone to the victim and recorded her statement. The First Information Report was

registered without any delay. The investigation was taken up by Shri.Govindarajan, Sub Inspector of Police, Thirukattupalli police station. He recovered the bottle of pesticide and the student handbook 2018-19 in which the child had allegedly written that she was waiting for death. The recovered articles have been sent for forensic analysis. The dying declaration of the child was also recorded by the Judicial Magistrate on the same day. On 17.01.2022, as many as nine witnesses were examined. The hostel warden against whom the child had made allegations was arrested on 18.01.2022 and remanded to judicial custody. Following the demise of the child on 19.01.2022, alteration report was filed. Investigation was taken over by the Inspector of Police, All Women Police Station, Thiruvaiyaru.

8.At this stage, a video of the child apparently implicating the Correspondent of the school was circulated in the social media. The learned Additional Public Prosecutor commented that this was a mischievous act on the part of some vested interests. Instead of handing over the privately taken video to the police, an edited version was circulated. This generated controversy. The petitioner under the influence of certain communal organisations did not cooperate for inquest and postmortem. Since in a case of this nature, postmortem had to be conducted without delay, it was accordingly conducted by forensic doctors. The entire postmortem was also duly video-graphed. Even thereafter, the petitioner was not willing to receive the body. Since certain communal organisations had taken over the stage, the District Superintendent of Police thought it fit to hold a press conference to dispel the misgivings. According to him, a careful reading of the entire transcript would show that the Superintendent of Police had categorically stated that they are conducting the investigation from all angles. He emphasized that the directions given by this Court have been scrupulously complied with. Though this Court had given a direction that the forensic reports should be obtained by 27.01.2022, the forensic labs have sought two more weeks to give their reports. Once the reports are received, further steps will be taken. In the meanwhile, the examination of witnesses is going on.

9.The learned Additional Public Prosecutor seriously faulted the conduct of the petitioner and Mr.Muthuvel who had recorded the video for not cooperating with the investigation. It would be unfair to prejudge the issue at this point of time. The petitioner and a few communal organisations have made an allegation that the school management attempted to covert the child to Christianity and since the move was rebuffed, the child was harassed by the hostel warden in a variety of ways as a result of which the child took the extreme step. This allegation has been contested by the school management. The investigation cannot be expected to proceed only on a single track. The investigator has to act with an open mind. Many of the classmates have been examined and all of them have stated in unison that there was no pressure or even suggestion to them to convert to

Christianity. The local residents have also spoken on the same lines. In fact, quite a few students have stated that the mother of the child died some eight years ago and that her father remarried and that the child had been harassed by the step mother. Only to escape from the torture meted out by the step mother, the child had joined the school as a hosteller. She was not willing to go home even during holidays. The Superintendent of Police has nominated a directly recruited DSP Ms.Brindha to investigate the matter. According to him, the investigation is being impartially conducted and that it is irresponsible to question the same. He commented on the cryptic nature of the petition which contained hardly three paragraphs. He called upon this Court to ignore the comments made across the bar and in the air. He also relied on the following case laws:- AIR 1945 PC 18 (King Emperor V. Khwaja Nazir Ahmad), AIR 1968 SC 117 (Abhinandan Jha & Ors. V. Dinesh Mishra and Ors), AIR 1970 SC 786 (S.N.Sharma V. Bipen Kumar Tiwari & Ors.), 1980 CriLJ 98 (State of Bihar & Anr. V. J.A.C.Saldanna & Ors.), 1992 CRI.L.J. 527 (State of Haryana and others V. Ch.Bhajan Lal and others), 1994 CriLJ 1981 (Joginder Kumar V. State of U.P. & Ors.), 1995 AIR SCW 2212 (Director, CBI & Ors. v. Niyamavedi rep. By its member K.Nandini, Advocate & Ors), AIR 2002 SC 1856 (P.Ramachandra Rao V. State of Karnataka), 2003 CriLJ 3117 (Union of India V. Prakash P.Hinduja & Anr. (2003) 2 SCC 649 (M.C.Abraham and Anr. V. State of Maharastra and Ors), AIR 2008 SC 1614 (Divine Retreat Centre V. State of Kerala & Ors), 2009 (10) SCC 488 (D.Venkatasubramaniam and Ors. V. M.K.Mohan Krishnamachari and Ors), (2019) 9 SCC 24 (P.Chidambaram V. Directorate of Enforcement), AIR 2020 SC 2386 (Arnab Ranjan Goswami V. Union of India), AIR 2021 SC 1918 (M/s.Neeharika Infrastructure Pvt. Ltd. V. State of Maharashtra).

10.His core submission is that this Court will not be justified in interfering at the investigation stage and that it is not for this Court to micro-manage the investigation or issue directions that the investigation should proceed only on particular lines. The province of investigation has been exclusively reserved for the executive. He called upon this Court not to violate the sacred principle of separation of powers or indulge in judicial overreach. He called upon this Court to throw out this petition as devoid of merits.

The stand of the intervenor :

11.The school in question is being run by the Roman Catholic Congregation of the Order of Immaculate Heart of Mary, Pondicherry. It has filed Crl.M.P.(MD)No.1250 of 2022 to implead in the present proceedings. Though the implead petitioner is neither the defacto complainant nor the accused, still in the interest of justice, I heard Dr.Fr.Xavier Arulraj, the learned Senior Counsel appearing for the Congregation. They had filed two affidavits, one in support of the petition to implead and another through e-mail. The e-mail

affidavit has been styled as confidential. This sounds ironic. Its contents are reverberating in the social media. The learned Senior counsel submitted that the Congregation was founded way back in the year 1844. They are running a number of schools and charitable institutions. The Sacred Heart Primary school was established in the year 1859. It was upgraded as a middle school in the year 1923. It became a high school in the year 1983. It became higher secondary school in the year 1998. It is receiving aid from the Government for classes up to 10th Standard. Out of the 786 students studying in the school, 504 are Hindus. Even in the hostel, 42 out of 52 students are Hindus. The learned Senior counsel vehemently denied the allegation that there was any attempt to convert the child to Christianity. According to him, certain groups are trying to besmirch the fair reputation of the school.

12.The learned Senior counsel launched a frontal attack on the petitioner and his wife. According to him, the petitioner is an alcoholic. The mother of the child had died some eight years ago and the petitioner had remarried. The step mother has been treating the child in a very cruel manner. Some two years ago, the child helpline had received complaints and the officials had also conducted enquiry in this regard. The child had shared her feelings on the domestic situation with her friends and class mates. That apart, the child was suffering from a dermatological issue. She was also being treated for the same. According to him, the domestic situation of the child must have been so depressing that she was pushed to committing suicide. According to the learned Senior counsel, the so called dying declaration was engineered by the step mother. The child had been tutored to falsely implicate Sister Saghayamary who had been taking care of the child as her own daughter. She was also paying her school and hostel fees. He also alleged that Thiru.Muthuvel who had recorded the video is a hate monger and that criminal case has been registered in the past for fomenting communal trouble. The learned Senior counsel added that the school management is extending its fullest cooperation and that they have intervened only to set the record straight.

Consideration of the rival contentions :-

13.The petitioner is none other than the father of the deceased child. In the petition, the original prayer was that the investigation should be entrusted to CBCID or some other agency under the supervision of the Director General of Police, Tamil Nadu. That shows that the petitioner though having lost faith in the District Police, had confidence in the State Police. But in the final hearing, the original prayer was given up and the request was for transfer of investigation to CBI.

Legal principles governing transfer of investigation as laid down by the Hon'ble Supreme Court:

14.In ***R.P.Kapur V. The State of Punjab (AIR 1960 SC 866)***, it was observed that it is of utmost importance that the investigation into criminal offences must always be free from any objectionable features or infirmities which may legitimately lead to the grievance that the work of investigation is carried on unfairly or with any ulterior motive. Though the said decision referred only to accused, in subsequent decisions, it has been noted that a victim of crime is equally entitled to a fair investigation (vide ***Nirmal Singh Kahlon V. State of Punjab and Others (2009) 1 SCC 441)***. Not only fair trial but also fair investigation is now a part of constitutional rights guaranteed under Articles 20 and 21. Therefore, the investigation must be fair, transparent and judicious, as it is the minimum requirement of rule of law. The investigating agency cannot be permitted to conduct an investigation in a tainted and biased manner. The investigation officer's impartial conduct must dispel any suspicion as to its genuineness. He must bring out the real unvarnished truth (vide ***Babubhai V. State of Gujarat (2010) 12 SCC 254)***. In ***K.V.Rajendran V. Superintendent of Police, CBCID (2013) 12 SCC 480***, it was held that the transfer of investigation can be ordered a) where it is necessary to do justice and instil confidence in the investigation, b) where it is necessary for having a fair, honest and complete investigation, c)where investigation by the state police lacks credibility, d) where high state officials and authorities are involved and are likely to influence investigation and e) where investigation is tainted/biased. In ***Pooja Pal V. Union of India (2016) 3 SCC 135***, it was held that the justice should not only be done but also appear to have been done. This principle will apply to investigation also. If the agency appears to be not able to discharge its functions fairly, then the Court can intervene to effect transfer of investigation.

Applying the legal principles to the factual matrix :

15.There is no dispute regarding the time line of events. The child had consumed pesticide on 09.01.2022. Her statement was recorded by the police on 16.01.2022 at 09.30 a.m. In the evening on the same day, the Judicial Magistrate had also recorded her dying declaration. In the police statement as well as in the statement before the judicial magistrate, the child had directly and in unambiguous terms accused that the hostel warden had burdened her by assigning her non-academic chores and unable to bear the same, she consumed the pesticide. That is why, the hostel warden Sister Saghayamary was arrested and remanded to judicial custody on 18.01.2022. The child died at about 15.30 hours on 19.01.2022. On 20.01.2022, the private video implicating the Correspondent was circulated in the social media. The petitioner had preferred a fresh petition before the Superintendent of Police, Thanjavur and had enclosed the said video.

16.Instead of filing an alteration report based on the complaint of the petitioner, Crime No.77 of 2022 was registered on

the file of Thanjavur Medical College Hospital police station for the offences under Sections 153, 504, 505(1)(b), 505(2) IPC r/w. 67 of the Information Technology Act r/w. 74(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015. Ms.Ravali Priya, I.P.S., Superintendent of Police, Thanjavur District chose to hold press conference also. The Superintendent of Police probably forgot the virtues of silence. To a question from a news reporter, she asserted that in the preliminary enquiry, the conversion angle was not made out. Such a statement was unwarranted because by then the private video was already in circulation and the parents of the child have given a complaint alleging that there was an attempt to convert the child to Christianity. By stating that the conversion angle stood ruled out, the Superintendent of Police had brushed aside the petitioner's complaint made in writing and backed by the video of the child. Therefore, the petitioner was justified in entertaining an impression that if the investigation continued by the District Police, it will be biased. But he had faith in the State DGP when he filed this petition.

17.I fail to understand as to why the Thanjavur Superintendent of Police reacted as if she had come in contact with a live electric wire. After all an allegation has been made that there was an attempt to convert. The school in question is run by a Congregation. The Holy Bible says "***Therefore go and make disciples of all nations, baptizing them in the name of the Father and of the Son and of the Holy Spirit, and teaching them to obey everything I have commanded you.*** (Matthew 28: 19-20). In Mark 16 : 14-18, Jesus says "***Go into all the world and preach the gospel to every creature. Whoever believes and is baptized will be saved, but whoever does not believe will be condemned***". This is called in Christian theological terms as the Great Commission. In the literary review published in the Hindu Magazine issue dated 30.01.2022, Sudipta Datta talks about Maria Aurora Couto's "Goa : A Daughter's Story". Couto establishes the links which the Goan society developed in response to conversion, christianisation and colonisation. She explains how in spite of being divided along religious lines by Portuguese colonial policies, Goan society retained communal harmony, thanks to a strong sense of community.

18.Nawazuddin Siddiqui starrer "Serious Men" is about the life of Ayyan Mani, a Tamil Dalit settled in Mumbai. In the movie, one comes across the following dialogue between Ayyan Mani and the Principal of a Christian School :

Ayyan Mani	My son's IQ is 169. He is far too advanced for your syllabus. He is on a different level.
Principal	Yes, Mr.Mani. Jesus has given Adhi a great mind. Praise the Lord.

Ayyan Mani's wife	He is Goddess Meenakshi's blessing. I even trekked barefoot to Lord Ganesha's temple when I was pregnant.
Principal	Do you believe in Christ, Mr Mani ?
Ayyan Mani	I love Christ.
Principal	Christ loves you too Mr.Mani. But if you and Adhi could accept him formally, as per the school's policy for financially backward Christians, Adhi could get a special scholarship. In fact, I can promote him directly to the IX standard. Obviously, there is no compulsion. We never compel. You can check with your friend Mr.Satish, Sayali's father, how much benefit Sayali has got ever since his family accepted Christ. If you don't mind me being so bold, I must tell you I really feel for the people of your community, Mr.Mani.
.....	....
Principal	We will give you free books, and we will add on free transport!.

19.The legendry K.Balachander's "Kalyana Agathigal" is a story about Ammulu, a devout Hindu girl who falls in love with Robert. Robert's parents are ready to accept Ammulu as their daughter-in-law if she is ready to accept Christ and becomes Emily. When Ammulu refuses to convert, an outraged Robert reminded her that his family never demanded dowry but merely wants her to accept their religion. "Instead of money, you are asking me to give up my religion. Isn't this a form of dowry too?" she retorts. When Robert issued her an ultimatum, Ammulu in a stirring dialogue proclaimed her loyalty to the religion of her birth and walked out of the relationship.

20.One may wonder if in a judgment of a constitutional court, there should be references to popular culture. I will not stop with a rhetorical Why Not ?. Reviewing Irwin Allan Sealy's *"ASOCA : A Sutra"*, in the latest issue of Frontline, Shonaleeka Kaul, a professional historian confesses that her foray into research in early India owes its inspiration to watching a TV Serial on Chanakya telecast on Doordarshan in the 1990s. It is beyond dispute that Art reflects life. While movies, particularly, Tamil movies are notorious for melodrama and exaggeration, they do contain a kernel of truth.

21.When some state legislatures passed laws for banning forcible conversions, they were challenged before the Hon'ble Supreme Court in ***Rev. Stainislaus V. State of Madhya Pradesh and Ors. (1977) 1 SCC 677***. In paragraph No.16, the Hon'ble Supreme Court had noted that the learned counsel for the appellant argued that the right to propagate one's religion as enshrined in Article

25 of the Constitution means the right to convert a person to one's own religion. Of course, the Hon'ble Supreme Court rejected the said submission by holding that the expression "propagate" used in Article 25(1) would not encompass the right to convert and there is no fundamental right to convert another person to one's own religion. The case was argued by Shri.Frank Anthony who was also a member of Constituent Assembly. If one reads the views expressed by some of the Christian members of the Constituent Assembly, one would note that some of them had even batted for the right to convert even minor children.

22.More than anything else, the place where the school is situated is known as Michealpatti. Obviously it could not have been the original name. There is an interesting discussion as to how the various areas in Chennai acquired their respective names in V.Sriram's "Chennai". Someone can undertake a similar exercise for Michealpatti also. Therefore, there is nothing inherently improbable in the allegation that there was an attempt at conversion. It could be true or false. The matter called for investigation and not outright rejection. But the District Superintendent instead directing the jurisdictional police to conduct investigation chose to proclaim that the preliminary investigation has ruled out the conversion angle. If she had before her only three materials, namely, First Information Report, police video and the dying declaration, she would have been justified in stating that till then, the religious angle had not come out. But the truth of the matter is that she had before her two more materials, namely, the private video and the parents' petition. Instead of ordering the investigation officer to take the additional materials to account, the S.P directed the local police to register an FIR against the person who had taken the video. The Superintendent of Police is right in her contention that circulation of the video without suppressing the identity of the child victim clearly contravened Section 74 of the Juvenile Justice (Care and Protection of Children), Act 2015. If the First Information Report had been confined only to Section 74, one can understand. But then, the First Information Report came to be registered for I.P.C. Offences such as 153, 504, 505(1)(b) and 505(2) of I.P.C also. Inclusion of the said offences indicates that the Superintendent of Police wanted to silence any discussion regarding the conversion angle. Her conduct during the press conference synchronises with the registration of Crime No.77 of 2022. The person who shot the video did not commit any offence as such. It was only the subsequent sharing on the social media without suppressing the identity of the child victim which attracts the offence under Section 74 of the Juvenile Justice (Care and Protection of Children) Act, 2015. But in this case, the shooting was done at the instance of the petitioner, the father of the child. The authenticity of the video has now been admitted. With her experience, the SP obviously knew that the video was authentic. The video footage circulated in the social media was truncated. The earlier and the later portions

had been omitted. But that will not make the video any less authentic. The S.P virtually threatened the person who shot the video. Instead, she should have goaded the investigation to take the religious angle into account.

23.As already noted, when the petitioner moved this Court, his faith in the State Police was intact. But in the final hearing, the petitioner's counsel demanded CBI investigation. The learned Additional Public Prosecutor would mock at the petitioner for having filed a bald and cryptic petition. Should I throw out the petition on that ground?. No. I have a duty not to. The Hon'ble Supreme Court in ***Mithilesh Kumar Singh V. State of Rajasthan (2015) 9 SCC 795*** held that though transfer of investigation from the State police to CBI can be allowed only in rare and exceptional circumstances when fair investigation by the State police does not inspire confidence on account of any external influence or otherwise, there can be no cast iron parameters and whether an exceptional situation has arisen may be determined by the court by taking an overview of the fact situation of a particular case. The Hon'ble Supreme Court was also concerned with the death of a young girl student. The allegations made by the petitioner therein were not conclusive. But the Apex Court felt that the circumstances need to be suitably looked into by an independent investigating agency like CBI lest an incomplete, indifferent or ineffective investigation leads to failure of justice. The Court did not blame the educational authorities or the local police but were unable to reject the apprehension of the petitioner and his prayer for transfer of investigation. In the case on hand, the pleadings might be defective but the counsel for the petitioner made effective submissions. Therefore, it is always open to this Court to mould the relief based on the exigencies of the situation.

24.This petition was filed on 21.01.2022. The case was taken up for final hearing on 28.01.2022. The Hindu news paper issue dated 24.01.2022 carried an interview with Shri.Anbil Mahesh Poyyamozhi, Hon'ble School Education Minister. The following extract will speak for itself : -

> **"Did the School Education Department order any inquiry into the death of a schoolgirl in Thanjavur?**
>
> The Chief Educational Officer immediately conducted an inquiry. We also collected information from the Collector and the police. The police have recorded the girl's statement [when she was in hospital] and told us that it would be submitted in court. They have made it clear that pressure to convert was not the cause. I would appeal not to divert the issue. Though it is alleged the warden caused the girl mental agony, it is the warden who had paid her fees. Other issues will be known during the trial. We took action [the arrest of the warden] because the girl was agonised and forced to take

the extreme step. We understand the pain of her parents and the sentiments of members of the public.

The BJP, citing a video clip of the girl, is claiming there was an attempt to convert the girl to Christianity...

It was wrong. They should not have recorded the girl's statement. They had questioned her in a provocative manner and she had not given any clear-cut answer. But a life has been lost, and whoever is responsible for it will be punished. "

The learned counsel appearing for the petitioner submitted that apart from the Hon'ble Education Minister, two other high ranking Ministers have also expressed opinions on the same lines. The Education Department has also come out with a statement exonerating the school management of the charge of conversion.

25.The learned counsel appearing for the petitioner submitted that the petitioner lost faith in the State police also for the reason that they have deliberately leaked the materials which were in their exclusive possession. The Hon'ble First Bench of the Madras High Court in ***Murugasamy vs. State (2017) 2 LW. (Crl.) 345*** had held that the dying declaration recorded by the Judicial Magistrate should be kept confidential. In this case, the dying declaration was recorded on 16.01.2022 by the Judicial Magistrate No.I, Thanjavur, copy of which was made available to the investigation officer. However, Sun News telecasted the handwritten dying declaration on 21.01.2022. The petitioner's counsel vehemently alleged that the police have leaked the contents of the dying declaration along with the copy so as to build a counter narrative. In the dying declaration given before the magistrate, the girl had not stated anything about conversion. It as confined only to the harassment caused by the hostel warden. Therefore, the contents of the dying declaration given before the magistrate was made use of by the school management to debunk the conversion allegation. According to the petitioner's counsel, the police have willingly aided that and it was rank illegality.

26.Following the direction given by this Court, Mr.Muthuvel handed over the original mobile phone along with Sim Card to the investigation officer on 25.01.2022. Thereafter, the I.T wing of the ruling party released portions of the private video that appear to exonerate the school authorities. This again raises considerable doubts about the credibility and impartiality of the investigation made by the State police. The original narrative is that the girl committed suicide unable to bear the treatment meted out to her by Sister Saghayamary, the hostel warden. The private video as well as the statements of the parents indicate that there was an attempt at conversion to Christianity. The complaint of the father is that since the girl did not convert to Christianity, she was harassed by the hostel warden. Whether there is truth in the allegation is a

matter for investigation and eventually for the Court to decide. But a counter narrative is being built as if the father and the step mother of the child are responsible for the suicide. In the social media, an allegation has been made that the CHILDLINE received complaints some two years ago that the child in question was being cruelly treated by the step mother. Such deliberate leaks dent the credibility of the investigation. The statement of the child was recorded by the local police. They also video recorded her statement. Later, the Judicial Magistrate also recorded her dying declaration. In neither of the statements, the child had made any allegation regarding her step mother. Her only target of attack was Sister Saghayamary, the Hostel Warden.

27.The attempt of the police appears to be to derail the investigation. One should not lose sight of the fact that the petitioner is not the defacto complainant. The deceased child herself was the defacto complainant. The information given by her to the police can also be taken as dying declaration. In this case, there are three dying declarations, one given to the police, one given to the Judicial Magistrate and one privately recorded by Mr.Muthuvel. It is well settled that there can be more than one dying declaration. The basic legal maxim is that the person who is going to meet the Maker shortly will not utter a lie. Even a conviction can be based solely on a dying declaration. But the court will have to carefully scrutinize the veracity of its contents because the person is no longer available for cross-examination. In this case, there is no contradiction between the police video and the private video. The private video contains extra material. It is relevant to bear in mind that though the child consumed pesticide on 09.01.2022, she did not reveal the same either to the hostel authorities or to the parents or even to the doctors. Only when the scan report revealed the truth, she spoke on that. Therefore, no adverse inference can be taken because the child did not disclose everything in the first instance. The two videos must be taken together and a final call can be taken only after a thorough investigation or perhaps a thorough trial. It is too early in the day for the police or the politicians to jump to conclusions. But they have done so. That is why, the petitioner is apprehensive that if the investigation continues to remain in the hands of the State police, he will not get justice. His apprehension is justified.

28.In the private video, to a specific question, the child had exonerated the Headmistress. Her allegation was directed only against the hostel warden. She also mentioned that the school Correspondent wanted her to convert. When asked about the "Fathers" (Ordained male priests), the child replies in the negative. If the step mother had tutored the child, the private video would not have contained such contents. Since the authenticity of the private video is not in doubt, there is no basis for attacking the father and the step mother of the child. The learned counsel appearing for the petitioner submitted that since the mother of the child had died and

since the father had remarried, the maternal grandparents would obviously be upset. The police have sent summons to the maternal grandparents for getting statements adverse to the step mother. I find merit in the petitioner's counsel's contention that the police, instead of finding out the truth of the allegations made by the deceased victim, have been trying to bolster the counter narrative.

29.Let us take the case of sexual harassment at work places. The victim employee who rebuffs the sexual advances of her superior will find that she is burdened with extra and difficult work. The work ambience will be made unbearable. The offender will not be sexually harassing the victim everyday. This is the standard modus operandi. The petitioner's counsel wants me to draw a similar analogy. The correspondent wanted the child to convert to Christianity. The offer was made to the parents. The parents rejected the proposal. As a consequence, through the warden, hostel life was made unbearable and suffocating for the child. I am not in a position to reject the hypothesis propounded by the learned counsel for the petitioner.

30.It is submitted that in the un-edited private video, the child is seen alleging that she was not allowed to go home even during holidays. She was made to do all kinds of works. She was asked to look after the accounts. She was made to do cleaning work. The petitioner's father would allege that she was made to clean toilets. "L" secured 489 / 500 in 10th standard. She was the school topper. Her father is not economically sound. He is a poor agriculturist. The girl dreamed to secure high marks in 12th standard. Since she was burdened with other works, she was unable to concentrate on the studies. She became apprehensive that she will not secure good marks. The board exams were a short while away. She became depressed and took her own life. That the child committed suicide is not in doubt. Even the parents did not allege that the death was homicidal. What led the child to commit suicide has to be investigated. Before the investigation officer, the dying declaration of the child is available. Their authenticity is undoubted. Without doing so, District Superintendent of Police wanted to completely suppress the conversion angle altogether. They wanted to fasten the entire blame initially on Sister Saghayamary. But now the parents are in the dock.

31.This Court has a duty to render posthumous justice to the child. The foregoing circumstances cumulatively taken will definitely create an impression that the investigation is not proceeding on the right lines. Since a high ranking Hon'ble Minister himself has taken a stand, investigation cannot continue with the State Police. I therefore direct the Director, Central Bureau of Investigation, New Delhi to assign an officer to take over investigation from the State Police. The criminal original petition is allowed on these terms. Registry to mark a copy of this

order to the learned Assistant Solicitor General, Madras High Court-Madurai Bench for making onward transmission to the Director, CBI. CBI will undertake an independent investigation and shall not take into account any of the observations made in this order. Since contentions were advanced on either side, this Court had to deal with them. Nothing set out in this order shall be construed as opinion on the merits of the matter. They have been made only for the purpose of disposing of this transfer petition.

32.Sister Saghayamary, the hostel warden was arrested on 18.01.2022. Her continued incarceration may not serve any purpose. Her guilt or innocence will be decided later. Though the investigation has been ordered to be transferred, the formal process may take time. I therefore direct that the jurisdictional court can dispose of the bail petition of Sister Saghayamary based on the available materials and formal notice to CBI is dispensed with.

33.Lord Vinayaka has been my favourite deity since childhood. Of course, there has been a steady addition to the pantheon. The latest is Lord Mahavira. I offer flowers daily to them. The Ganesha idol which I worship daily has been named as Fr.Pillaiyar. Because it was gifted to me by the learned Senior Counsel who appeared for the Congregation. Dr.Fr.Xavier Arul Raj, the Senior Counsel and Br.Benitto, the counsel on record are genuine ambassadors of interfaith fraternity. When the learned Senior Counsel asserted that he does not believe in conversion, I knew that he was speaking from his heart. But the question is whether Sister Saghayamary and Sister Rachel Mary are made of the same fibre. I hope investigation by CBI will bring out the truth.

Sd/-

Assistant Registrar(CS-)

// True Copy //

01/2/2022

Sub Assistant Registrar(CS)

skm

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1.The Director General of Police,
Police Head Quarters, No.1, Radhakrishnan Salai,
Mylapore, Chennai - 600 004.

2.The Deputy Inspector General of Police, Trichy Zone, Trichy.

3.The Superintendent of Police, Thanjavur District, Thanjavur.

4.The Inspector of Police, Thirukattupalli Police Station,
Thanjavur District.

5.The Director, Central Bureau of Investigation, New Delhi.

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

7.The Assistant Solicitor General of India,
Madurai Bench of the Madras High Court, Madurai.

8.The Principal District Judge, Trichirappalli.

+1 CC to M/s.A.BENITTO, Advocate (SR-3158[F] dated 31/01/2022)

Crl OP(MD)No.1344 of 2022
31.01.2022

ps(CO)
TR(01.02.2022) 16P 10C

FIRST INFORMATION REPORT
முதல் தகவல் அறிக்கை
(Under Section 154 Cr.P.C)
(கு.ந.வி.தொ.பிரிவு 154 இன் கீழ்)

TAMIL NADU POLICE
INTEGRATED INVESTIGATION FORM-I

1. District: THANJAVUR P.S. THIRUKATTUPALLI Year 2022 FIR No. 40 Date: 16-01-2022
மாவட்டம் காவல் நிலையம் ஆண்டு மு. த.அ.எண் நாள்

Act(s) சட்டம் | Sections பிரிவுகள்

2. INDIAN PENAL CODE, 1860 — 305
INDIAN PENAL CODE, 1860 — 511
THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015 — 75
THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015 — 82(1)

3. (a) Occurrence of Offence Day: SUNDAY Date From: 09-01-2022 Date To: -
குற்ற நிகழ்வு நாள் நாள் முதல் நாள் வரை
Time Period: On Time From: 17:00 Hrs Time To: -
நேர அளவு நேரம் முதல் நேரம் வரை

(b) Information received at PS. Date: 16-01-2022 Time: 09:30 Hrs (c) General Diary Reference: Entry No(s)
காவல் நிலையத்திற்கு தகவல் கிடைத்த நாள் நேரம் பொது நாட்குறிப்பில் பதிவு விவரம் எண்

4. Type of Information: WRITTEN Time : -
தகவலின் வகை நேரம்

5. Place of Occurrence: (a) Direction and Distance from PS: NORTH-EAST & 1.0 Km Beat Number: BEAT II
குற்ற நிகழ்விடம் (அ) காவல் நிலையத்திலிருந்து எவ்வளவு தூரமும், எத்திசையும் முறைக் காவல் எண்

(b) Address: மைக்கேல்பட்டி புனித மைக்கேல் விடுதி
முகவரி

(c) In case, outside limit of this Police Station,then the Name of P.S: - District: -
இக்காவல் நிலைய எல்லைக்கப்பால் நடந்து இருக்குமாயின் அந்நிலையில், அந்த கா.நி பெயர் மாவட்டம்

6. Complainant/Informant (a) Name: LAVANYA (c) Date/Year of Birth: 2005 (d) Nationality: INDIA
குற்றமுறையீட்டாளர் / தகவல் தந்தவர் பெயர் நாள் / பிறந்த ஆண்டு நாட்டினம்

(b).Father's/Husband's Name: MURUGANANTHAM
தந்தை / கணவர் பெயர்

(e).Passport No. Date of Issue: Place of Issue:
வெளிநாட்டு கடவுச்சீட்டு எண் வழங்கப்பட்ட நாள் வழங்கப்பட்ட இடம்

(f). Occupation: -
தொழில்

(g). Address: EAST ST,VADUGAPALAIYAM,, ARIYALUR (TK,DT),
முகவரி

7. Details of Known/Suspected/Unknown accused with full particulars
தெரிந்த / ஐயப்பாட்டிற்குறிய / தெரியாத குற்றம் சாட்டப்பட்டவரின் முழுமையான விவரங்கள்.

1 SAGAYAMARY ,MICHEL PATTI, WOMENS HOSTAL WARDAN , MIDDLE ST,MICHEL PATTI,BUDALUR (TK),THANJAVUR (DT)

8. Reasons for delay in reporting by the complainant/Informant: தாமதமில்லை
குற்றமுறையீட்டாளரால் / தகவல் கொடுப்பவரால் முறையிட்டதில் தகவல் கொடுப்பதில் தாமதம்.

9. Particulars of the properties stolen/Involved:
களவாடப்பட்ட / களவிற்குள்ளான சொத்துக்களின் விவரம்.

10. Total value of properties stolen/Involved:
களவாடப்பட்ட / களவிற்குள்ளான சொத்துக்களின் மொத்த மதிப்பு

11. Inquest Report/ Un-natural death Case No. If any:
பிண விசாரணை அறிக்கை / இயற்கைக்கு மாறான இறப்பு எண் ஏதேனும் இருந்தால்

12. FIR Contents
முதல் தகவல் அறிக்கையின் சுருக்கம்

பணிந்து அனுப்பப்படுகிறது இன்று 16.01.2022- ஆம் தேதி காலை 09.30 மணிக்கு திருக்காட்டுப்பள்ளி காவல் நிலைய பயிற்சி உதவி ஆய்வாளர் K. நெடுஞ்செழியன் ஆகிய நான் நிலைய பொறுப்பு அலுவலில் இருந்தபோது தஞ்சாவூர் TMCH மருத்துவமனையில் இருந்து கிடைக்கப்பெற்ற தகவலைப்பெற்று தஞ்சாவூர் TMCH மருத்துவமனை சென்று அங்கு வார்டு எண் 6 - ல் உள்நோயாளியாக சிகிச்சையில் இருந்த அரியலூர் மாவட்டம் வடுகப்பாளையம் கிழக்குத்தெருவைச்சேர்ந்த முருகானந்தம் மகள் லாவண்யா வயது 17/22 என்பவரிடம் விசாரணை செய்து வாக்குமூல புகார் பெற்று நிலையம் வந்து வழக்கு பதிவு செய்த விபரம் பின்வருமாறு வாக்குமூலம் லாண்யா 17/22 D/O. முருகானந்தம் கிழக்கு தெரு வடுகப்பாளையம் அரியலூர் தாலுக்கா அரியலூர் மாவட்டம் . நான் அரியலூர் மாவட்டம் அரியலூர் தாலுக்கா வடுகப்பாளையம் கிழக்கு தெருவில் எனது பெற்றோருடன் வசிக்கிறேன். எனது தாயார் கனிமொழி என்பவர் சுமார் 8 ஆண்டுகளுக்கு முன்பு இறந்து விட்டார். எனக்கு இரண்டு தம்பிகள் உள்ளனர். எனது அம்மா இறந்த பிறகு எனது தந்தை சரண்யா என்பவரை திருமணம் செய்து கொண்டார். அவருக்கு ஒரு மகன் உள்ளார். 2017- ஆம் ஆண்டு எனது அப்பாவும் எனது சித்தியும் என்னை தஞ்சாவூர் மாவட்டம் பூதலூர் தாலுக்கா திருக்காட்டுப்பள்ளி அருகில் உள்ள மைக்கேல்பட்டியில் உள்ள தூய இருதய மேல் நிலைப்பள்ளியில் 8 ஆம் வகுப்பு தமிழ் மீடியத்தில் சேர்த்து விட்டார்கள். அங்கு விடுதியில் தங்கி அதுமுதல் அங்குதான் படித்து வருகிறேன். தற்போது 12 – ம் வகுப்பு கணித உயிரியல் A1 Section – ல் படித்து வருகிறேன். சுமார் 1 வருடகாலமாக விடுதி வார்டன் சிஸ்டர் சகாயமேரி என்பவர் அவரது சொந்தவேலையான விடுதி செலவு கணக்கு சம்மந்தமாக கணக்கு காட்டுவதற்கு திருச்சி கருமண்டபத்தில் உள்ள அலுவலகத்திற்கு என்னை அடிக்கடி அழைத்து செல்வார். இது எனது அம்மாவிற்கு தெரிந்து அவர் போக கூடாது என என்னை கண்டித்தார் . அவர்களுக்கு தெரியாமல் போகலாம் வா என அழைத்து செல்வார். என்னுடன் அனைத்து மாணவிகளையும் சேர்த்து விடுதி சுத்தம் செய்ய சொல்லுவார். புல் புடுங்க சொல்வார். நாங்கள் நடக்குமிடம் உட்காரும் இடங்களை தண்ணீர் ஊற்றி அலச சொல்லுவார். இதனால் என்னால் படிப்பில் கவனம் செலுத்த முடியவில்லை இதை எனது பெற்றோரிடம் சொல்லவில்லை வேறு யாரிடமும் இது சம்மந்தமாக சொல்லவில்லை இதனால் மன உளைச்சலில் இருந்த நான் 09.01.22 ஆம் தேதி காலை புல் புடுங்கியும் ஒட்டடை அடித்தும் தண்ணீர் ஊற்றி அலசியும் பிறகு மதியம் புளி கொழம்பு சாப்பாடு சாப்பிட்டு விட்டு நான் தங்கியிருக்கும் புனித மைக்கேல் மகளிர் விடுதி (சிறார் இல்லம்) மைக்கேல்பட்டியில் உள்ளது . இல்லத்தில் தங்கி T.V. பார்த்துக்கொண்டிருந்தோம். 4.30 மணிக்கு என்னுடன் தங்கியிருக்கும் மாணவிகளுடன் பேசிக்கொண்டிருந்தேன். பிறகு அனைவரும் T.V. பார்த்த இடமான Prayer Hall – ல் இருந்து வெளியே சென்று விட்டார்கள். மாலை 5 மணிக்கு என்னை வேலை அதிகமாக வாங்கி திட்டிக்கொண்டே இருந்ததால் நான் மனம் வெறுத்து Prayer Hall – ல் ஸ்டேசனரி பீரோ அருகில் இருந்த Agrosone பூச்சி மருந்தை அங்கு இருந்த டம்ளரை எடுத்து 1 ½ டம்ளர் மருந்தை ஊற்றி குடித்து விட்டேன். 5.30 மணிக்குலாம் நான் வாந்தி எடுத்து விட்டேன். அப்போது சிஸ்டர் சகாயமேரி பித்தமாக இருக்கும் போய் படுத்து கொள் என்றார். தொடர்ந்து வாந்தி வந்துக்கொண்டிருந்ததால் விடுதியில் சமையல் வேலை செய்யம் கண்ணம்மா என்பவர் என்னை பக்கத்தில் நர்ஸ் வேலை பார்க்கும் ஜெர்சிந்தா என்பவரிடம் காட்டி ஊசி போட்டார்கள். இரண்டு மாத்திரை கொடுத்தார்கள். இவர்களிடமும் நான் மருந்து குடித்ததை சொல்லவில்லை . பிறகு 10.01.22- ந் தேதி மதியம் சுமார் 12 மணிக்கு எனது பெற்றோர் என்னை அழைத்துக்கொண்டு வடுகபாளையம் எனது வீட்டிற்கு சென்றார்கள். எனக்கு தொடர்ந்து வயிற்று வலி இருந்ததால் 11.01.22 ஆம் தேதி குளத்தூர் அரசு மருத்துவமனைக்கும் 12.01.22- ஆம் தேதி திருமானூர் அரசு மருத்துவ மனைக்கும் 13.01.22 ஆம் தேதி திருமானூர் அரசு மருத்துவமனைக்கும் சென்று சிகிச்சை பெற்றேன். 15.01.22- ந் தேதி காலை அரியலூர் செந்தில் நாதன் கிளினிக்கில் காண்பித்து விட்டு தஞ்சாவூர் மெடிக்கலில் சிகிச்சைக்கு சேர்ந்தேன். வார்டு எண் 6 – ல் சிகிச்சையில் இருக்கும் போது திருக்காட்டுப்பள்ளி போலீசார் வந்து விசாரிக்க நடந்த விபரம் சொன்னேன். வாக்குமூலமாக எழுதினீர்கள் படிக்க கேட்டேன். படித்து காட்டுனீர்கள். நான் சொன்னபடி சரியாக எழுதியிருந்தது. நடவடிக்கை எடுக்க கேட்டுக்கொண்டு கையொப்பம் செய்கிறேன். (Sdxxx M. Lavanya) அய்யா வாதியின் வாக்குமூல புகாரைப்பெற்று திருக்காட்டுப்பள்ளி காவல் நிலைய குற்ற எண் 40/22 U/S. 305 , 511, IPC and 75 , 82 (1) J.J. Act 2015 – ன் படி 16.01.22- ஆம் தேதி காலை 09.30 மணிக்கு வழக்கு பதிவு செய்யப்பட்டது. (Sdxxx K. NEDUNCHEZHIAN) SI OF POLICE , Thirukattupalli P.S. 16.01.2022.

இதன் அசலுடன் வாதியின் வாக்குமூல புகாரை இணைத்து கனம் JM நீதி மன்றம் திருவையாறு அவர்களுக்கு அனுப்பியும் இதர நகல்களை சம்மந்தப்பட்ட உயர் அதிகாரிகளுக்கு அனுப்பியும் ஒரு நகலை வழக்கின் மேல் நடவடிக்கைக்காக உதவி ஆய்வாளர் அவர்கள் பார்வைக்கு வைக்கப்பட்டது. மற்றொரு நகலை நிலைய கோப்பில் வைக்கப்பட்டது.

13. Action Taken: Since the above report reveals Commission of Offence(s) u/s as mentioned in item No.2, registered case and took up the investigation.

எடுக்கப்பட்ட நடவடிக்கை : மேலே குற்ற முறையீட்டில் உள்ளவை பிரிவு 2 -ல் கூறப்பட்ட சட்ட பிரிவுப்படியான குற்றமாக வழக்கு பதிவு செய்து புலனாய்வுக்கு எடுத்துக்கொள்ளப்பட்டது

FIR read over to the Complainant/Informant, admitted to be correctly recorded and a copy given to the Complainant/Informant free of cost.

மு.த.அ. குற்றமுறையீட்டாளருக்கு / தகவல் தந்தவருக்கு படித்துக்காட்டி, அது சரியாக எழுதப்பட்டு இருப்பதாக ஏற்றுக்கொள்ளப்பட்டு, அதன்படி நகல் ஒன்று இலவசமாக கொடுக்கப்பட்டது.

14. Signature / Thumb Impression of the Complainant/Informant
குற்றமுறையீட்டாளர் / தகவல் கொடுப்பவரின் ஒப்பம் / பெருவிரல் இரேகைப் பதிவு

Signature of the Officer in-charge, Police Station
காவல் நிலைய பொறுப்பு அலுவலரின் ஒப்பம்

15. Date & Time of despatch to the court: 16-01-2022
நீதிமன்றத்திற்கு அனுப்பப்பட்ட நாளும், நேரமும்

Name: K NEDUNCHEZIAN
பெயர்

Rank: SUB INSPECTOR OF POLICE No.
நிலை எண்

ITEM NO.31+ 36 Court 15 (Video Conferencing) SECTION II-C

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s). 1053-1056/2022

(Arising out of impugned final judgment and order dated 21-01-2022 in CRLOP(MD) No. 3264/2022 22-01-2022 in CRLOP(MD) No. 1344/2022 24-01-2022 in CRLOP(MD) No. 1344/2022 31-01-2022 in CRLOP(MD) No. 1344/2022 passed by the High Court of Judicature at Madras at Madurai)

THE DIRECTOR GENERAL OF POLICE & ORS. Petitioner(s)

VERSUS

MURUGANANTHAM Respondent(s)

(FOR ADMISSION and I.R. and IA No.18105/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.18106/2022-EXEMPTION FROM FILING O.T.)

ITEM 36
Petition(s) for Special Leave to Appeal (Crl.) No(s). 1246/2022

(FOR ADMISSION and IA No.20313/2022-EXEMPTION FROM FILING O.T.....[TO BE TAKEN UP ALONG WITH ITEM NO. 31 I.E. SLP(Crl) No.1053-1056/2022])

Date : 14-02-2022 These petitions were called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MS. JUSTICE BELA M. TRIVEDI

For Petitioner(s) Mr. Mukul Rohatgi, Sr. Adv.
Mr. P. Wilson, Sr. Adv.
Mr. V. Krishnamurthy, Sr.Adv./AAG
Mr. Hasan Mohamed Jinnah, SPP.
Dr. Joseph Aristotle S., AOR
Mr. T. Senthil Kumar, Adv.

For Respondent(s) Ms. Nitya Ramakrishnan, Sr. Adv
Ms. Vinoothna Vinjam, Adv.
Mr. Yuvraj Singh Rathore, Adv.
Mr. Prasanna S., AOR

Mr.Mahesh Jethmalani, Sr. Adv.
Mr.Vikas Mahajan, Adv
Mr. Nachiketa Joshi, Adv
Mr. Santosh Kumar, Adv
Mr.Praneet Pranav Adv
Mr.Karthikeyan Venkatachalapathy, Adv
Mr. Mugdha Pande, Adv
Mr. Veer Vikram Singh, Adv
Mr. Yogeswaran Adv
Mr. Ravi Sharma
Mr. T.Ramesh, Adv
Mr. SCV Vimal Pani, Adv
Mr. A. Lakshminarayanan, AOR

UPON hearing the counsel the Court made the following

O R D E R

Issue notice returnable in four weeks.

Reply/counter affidavit will be filed within two weeks.

Rejoinder affidavit, if any, be filed within one week thereafter.

List after four weeks.

In the meanwhile, investigation will continue in terms of the impugned order.

(SONIA BHASIN)
COURT MASTER (SH)

(RANJANA SHAILEY)
BRANCH OFFICER