

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.06.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.14450 of 2015
and M.P.No.1 of 2015

D.Rajendran

... Petitioner

Vs

1.The Deputy Superintendent,
Uthukottai, Tiruvallur District.

2.The Inspector of Police,
Uthukottai Police Station,
Tiruvallur District.(Crime No.212/14)

3.The Revenue Divisional Officer,
Ponneri, Tiruvallur District.

... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the 1st respondent to re-investigate the matter in PRC.No.4 of 2015 on the file the learned Judicial Magistrate at Uthukottai, Tiruvallur District by recording fresh statements of the petitioner, his wife and the 3rd respondent under Section 161 of Cr.P.C. and file a fresh final report within a stipulated time.

For Petitioner : Mr.S.Anil Sandeep

For Respondents : Mr.C.Emalias,
Addl. Public Prosecutor

O R D E R

The petitioner seeks for reinvestigation of the case in PRC.No.4 of 2015 pending on the file of the learned Judicial Magistrate, Uthukottai, Tiruvallur.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents and perused the materials placed on record.

3. It is the case of the petitioner that the deceased Indhu @ Meena who is his daughter got married to Rajesh Kumar the 3rd accused in this case and that she committed suicide in her matrimonial home on 23.08.2014.

4. On a complaint given by the petitioner, the respondent police registered a case in Crime No.212 of 2014 for the offences under Section 174[iii] Cr.P.C and the inquest was conducted by the

Revenue Divisional Officer as the death was within seven years of marriage. The Revenue Divisional Officer in his report has stated that there was no dowry harassment in connection with marriage and therefore, the police have filed a Final Report against the accused for the offences under Section 306 and 498A IPC.

5. It is the contention of the petitioner that neither the police nor the Revenue Divisional Officer recorded the statement of the parents of the deceased to the effect that the deceased was subjected to dowry harassment and therefore, he prays for further investigation.

6. This Court carefully perused the FIR that was lodged by the petitioner/father. Even in that complaint, he has not spoken a word about any allegation of dowry harassment and that he has merely stated that his daughter was subjected to cruelty by the accused. The idea behind entrusting the power to conduct inquest with the Revenue Divisional Officer in such cases is to ensure that genuine grievance of the family of the deceased are not over looked by the police either inadvertently or for extraneous consideration.

7. Therefore, this Court is not able to countenance the submission that the Revenue Divisional Officer, who has no personal axe to grind, has failed to record, whatever the petitioner had deposed before him. At the same time, this Court should also be careful in seeing that no false charge is trumped upon on innocent persons by the family members of the victim in their anxiety to avenge the death of their beloved.

8. Hence, this Court does not find any sound reasons for acceding to the prayer of the petitioner. It is left open to the Trial Court to frame the charges based on the materials provided by the police and during the course of trial, if further materials surfaces, it is always open to the Trial Court to alter the charges and proceed with the trial.

9. With the above observation, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Deputy Superintendent,
Uthukottai, Tiruvallur District.

2.The Inspector of Police,
Uthukottai Police Station,
Tiruvallur District.

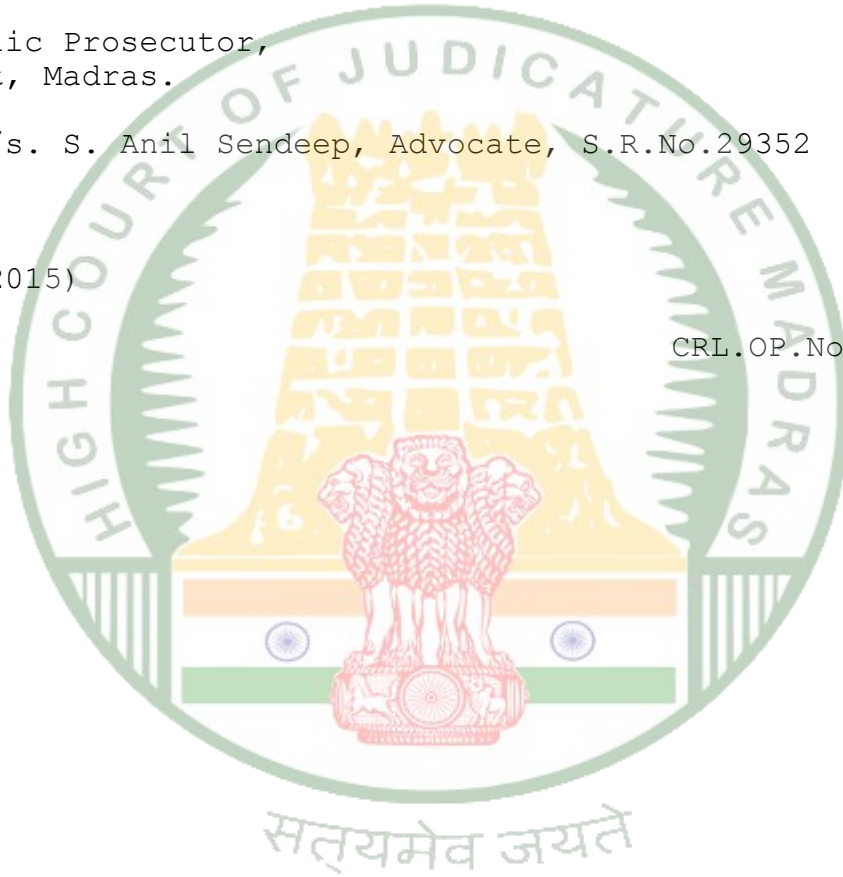
3.The Revenue Divisional Officer,
Ponneri, Tiruvallur District.

4.The Public Prosecutor,
High Court, Madras.

+1cc to M/s. S. Anil Sendeep, Advocate, S.R.No.29352

MP(CO)
EU(24/06/2015)

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