

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.16769 of 2015

R.Lakshmi

Petitioner

Vs

1.The State rep. By
Director General of Police,
Dr.Radha Krishnan Road,
Chennai.

2.The Superintendent of Police,
Vellore.

3.The Deputy Superintendent of Police,
Vellore.

4.The Inspector of Police,
Sathuvaachari Police Station,
Vellore,
Crime No.642/2013

Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the first respondent to further direct the second respondent to conduct proper and fair investigation and direct any other higher level police officials in the CBCID or any other independent agency to investigate further and find out the truth in accordance with law.

For Petitioner :Mr.R.Muniyapparaj

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

ORDER

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

2.It is seen that the daughter of this petitioner was married to the accused herein on 29.10.2010 and within 7 years of marriage, she committed suicide on 25.04.2013 by hanging. The respondent police registered a case in Crime No.642 of 2013 and the inquest was conducted by the Revenue Divisional Officer, Vellore. After the inquest and post mortem, the respondent have filed a final report against the accused for offence under Sections 498(A), 304(B) I.P.C., & Section 4 of the Dowry Prohibition Act and now, the case stands committed to the Court of Sessions and the trial is pending in S.C.No.207 of 2013 before the Mahila Court, Vellore.

3.At this juncture, the mother of the deceased has approached this Court complaining that the investigation is perfunctory and the police have left out some persons and hence, further investigation in this case be ordered.

4.This Court gave anxious consideration to the said submission made by the learned counsel for the petitioner and also called for the inquest report from the concerned Court. It is seen that immediately after the suicide, the Revenue Authorities have been summoned by the Police and inquest has been conducted by the Revenue Authorities and based on the findings only, the final report has been filed.

5.At this juncture, if further investigation or re-investigation is ordered, it will be a travesty of justice inasmuch as the accused will take advantage of it and that will pave way for dilution of the case. Under such circumstances, this Court is not inclined to accede to the prayer made by the petitioner. During the course of evidence, if materials surface against other persons, it is needless to state that the trial Court can invoke its power under Section 319 Cr.P.C., following the judgment of the Constitution Bench of the Hon'ble Supreme Court in Hardeep Singh v. State of Punjab (2014 (1) Scale 241).

6.With the above observation, the Criminal Original Petition is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

jbm

To

1.The Director General of Police,
Dr.Radha Krishnan Road,
Chennai.

2.The Superintendent of Police,
Vellore.

3.The Deputy Superintendent of Police,
Vellore.

4.The Inspector of Police,
Sathuvaachari Police Station,
Vellore,

5.The Public Prosecutor,
High Court, Madras.

Cr1.OP No.16769 of 2015

gj (co)

pnk 5, 8, 2015

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