



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.08.2015

CORAM:

THE HONOURABLE MS.JUSTICE R.MALA

CRL.O.P. (MD) .No.13416 of 2015

V.Jeyalakshmi

: Petitioner

Vs.

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

2.The Inspector of Police,
Sindhupatti Police Station,
Usilampatti Taluk,
Madurai District.

:Respondents/Complainants

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code praying to direct the first respondent to change the investigation agency in the above said case which is pending on the file of the second respondent to any other competent investigation agency to investigate the above case on the basis of the complaint dated 19.06.2015 given by the petitioner within the time as fixed by this Court and pass any other and further orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.N.Tamilmani

For Respondents : Mr.K.Anbarasan

Government Advocate (Criminal Side)

ORDER

Heard the submissions made by the learned counsel appearing on either side.

2. The learned counsel appearing for the petitioner would submit one Shanthi, who is the sister of the petitioner, has died on suspicious circumstances and on the basis of the complaint given by the petitioner, a case has been registered under Section 174 Cr.P.C and it is alleged in the complaint that on the day before the death, the deceased stated about the torture meted out by her at the hands of the husband and the mother-in-law for demanding of dowry through phone. But, in this case, the respondent has not shown any interest to investigate the matter in the proper direction. Hence, he prayed for transfer of investigation.

3. The respondent police filed status report. In that, it is stated that the marriage was performed 20 years back and the deceased was suffering from Hasthma and she consumed poison and she



was taken to hospital where she died and the children of the deceased have been enquired and the respondent police are awaiting for medical analysis report and hence, the learned Government Advocate prayed for dismissal of this application.

4. A perusal of case diary shows that the marriage between the the deceased Shanthi and her husband namely Narayanan has been performed on 06.06.1996 and due to this lawful wedlock, two children namely Venkatesh, who is studying in I year B.Com and another daughter namely, Vishnu Priya, who is studying 9th Standard were born and the said Narayanan is doing coolie work in Kodaikanal and once in a week he is visiting the house. On a perusal of record, it is seen that the respondent has investigated the matter in a right direction and the averment that the said Narayanan and his mother demanded dowry is unacceptable. It is a concocted story. Because, the husband of the deceased namely Narayanan is working in Kodaikanal and he has visited the house once in a week and he is doing coolie work and a perusal of 161 Cr.P.C Statement shows that the deceased was suffering from some ailment i.e cough and cold and therefore, she was taking medicines regularly and as per 161 Cr.P.C Statement of the daughter of the deceased namely, Vishnu Priya, on the date of death, the deceased did not prepare food and that she was sleeping and that has been questioned by her husband and she demanded money for purchasing medicines and then only, after all were gone to bed, the deceased had taken the poison and died in the hospital.

5. In such circumstances, I am of the view that there is no necessity for transfer the investigation and this petition is dismissed.

Sd/-

Assistant Registrar(Record)

/True copy/

Sub Assistant Registrar

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To

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

2.The Inspector of Police,
Sindhupatti Police Station,
Usilampatti Taluk, Madurai District.

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

+1cc to MR.N.TAMILMANI, ADVOCATE SR NO.47584

Order made in
CRL.O.P. (MD) .No.13416 of 2015
19.08.2015