

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

CrI.O.P.No.26384 of 2015

K.Narayanan

... Petitioner

Vs

1. The State, rep. by
The Inspector of Police,
T.3, Korattur Police Station,
Korattur, Chennai-80.

2. The Deputy Commissioner of Police,
Ambattur Range,
Avadi, Chennai.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records connected with FIR No.584 of 2011 on the file of the first respondent and pass order for fresh investigation of the complaint by Central Bureau of Investigation or any other competent independent investigation agency.

For Petitioner : Mr.R.Chellappa

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

ORDER

The present criminal original petition has been filed to call for the records connected with FIR No.584 of 2011 on the file of the first respondent and to order for fresh investigation of the complaint by Central Bureau of Investigation or any other competent independent investigation agency.

2. It is the case of the petitioner that he filed a complaint before the first respondent on 3.9.2011 to take action against two teachers and the Principal of Vivekananda Vidyalaya, Korattur, Chennai-80 alleging their involvement in the death of his daughter N.Anisha under suspicious circumstances after she attended the school on 3.9.2011. Though the said complaint was

lodged on 3.9.2011, the same was pending without any tangible action. Hence, the petitioner approached this Court by filing a petition in Crl.O.P.No.23662 of 2013 for appropriate direction to the respondent police to investigate the matter on the basis of the complaint of the petitioner. In the said petition, this Court, by order dated 18.9.2013, directed the first respondent police to investigate the matter under the supervision of the second respondent by granting two months time to complete the investigation. Even after the period of two months, the investigation was not completed. Hence, the petitioner filed Contempt Petition No.2104 of 2014 before this Court and on 22.7.2014, the learned Public Prosecutor represented that after conducting investigation, the complaint lodged by the petitioner was closed and a report was also submitted before the Court of Judicial Magistrate, Ambattur. Thereafter, the petitioner applied copy application before the Court of Judicial Magistrate, Ambattur to obtain a copy of the said report. But, the said copy application was returned with an endorsement "on perusal, FIR and final report in Crime No.584 of 2011 not received in this Court till date. Hence, copy application is returned." Hence, the petitioner has come forward with the present petition for fresh investigation of the complaint by Central Bureau of Investigation or any other competent independent investigating agency.

3. The first respondent has filed a status report, wherein it has been stated as follows:-

(a) On 4.9.2011, a complaint was lodged by the petitioner stating that his daughter N.Anisha, 14 years old, had studied IX Standard in Vivekananda Higher Secondary School, Korattur, Chennai. On 3.9.2011 at about 19.00 hours, his daughter N.Anisha went to bedroom and put inside lock and hanged herself in ceiling fan by using her Thuppattah and the same was seen by her mother through window and she shouted and with the help of neighbours, the said N.Anisha was taken to Kilpauk Government Hospital and the Doctor declared that she was brought as dead. Hence, a case was registered by the then Sub Inspector of Police, Korattur Police Station in Crime No.584 of 2011 under Section 174 Cr.P.C. on 4.9.2011 at about 8.30 hours and the then Sub Inspector of Police took up the investigation.

(b) The then Sub Inspector of Police went to the scene of occurrence and drew rough sketch. He has also prepared observation mahazar and seized green colour Thuppattah under a cover mahazar in the presence of witnesses. He has also conducted inquest over the body of the deceased in the presence of Panchayathars and after post mortem, the body was handed over to the petitioner. The then Sub Inspector of Police has also examined four witnesses and recorded their statements. Further, he went to Vivekananda Higher Secondary School, Korattur,

Chennai and examined the teachers and students and recorded their statements. He has also examined Dr.V.Murugesan, Professor, Forensic Science Department. Thereafter, he sent the viscera sample to Forensic Science Laboratory for chemical analysis and received the chemical analysis report on 15.9.2011.

(c) Thereafter, the then Inspector of Police took up the case for further investigation on 7.10.2011 and re-examined the above witnesses and on 18.1.2012, he re-examined the parents and brother of the deceased and once again recorded their statements. Further, he has examined seven witnesses and recorded their statements. Thereafter, he has sent the suicide note written by the deceased along with her note books to Handwriting Expert, Forensic Science Laboratory, Chennai. Further, he sent a request to the Superintendent of Police, Ambattur Range to give top priority letter to Forensic Science Laboratory, Chennai and the same was sent on 20.11.2012.

(d) During the course of investigation, the petitioner herein filed a petition in CrI.O.P.No.23662 of 2013 before this Court seeking expeditious investigation in Crime No.584 of 2011 and this Court has passed an order directing the Deputy Commissioner of Police, Ambattur to supervise the investigation and complete the same within a period of two months from the date of receipt of a copy of that order. Pursuant to the said order, the Deputy Commissioner of Police, Ambattur has given instructions to the Assistant Commissioner of Police, Ambattur Range to investigate the case in Crime No.584 of 2011 and to submit a report.

(e) Based on the said instructions, the Assistant Commissioner of Police took up the case for investigation on 7.12.2013. He has carefully gone through the investigation details available in the CD file and continued the process of investigation by examining as many as 17 witnesses and recorded their statements. The investigation conducted so far reveals that the deceased N.Anisha was a student of IX Standard 'A' Section in Vivekananda Higher Secondary School, Korattur, Chennai. She was more interested in sports rather than the studies. She did not attend the Maths Special class conducted in between 1.30 p.m. to 3.00 p.m., instead she has given a letter stating that she had to go for medical check up. After giving such letter to her class teacher, she attended co-co game practice on the same day at 3.30 p.m. On seeing her in the play ground, the class teacher had suspicion over the genuineness of the reason stated in the letter and brought the same to the knowledge of the Principal, who in turn, called the deceased and advised her to show interest in the lessons. Thereafter, the Principal advised the class teacher cum maths teacher to verify the genuineness of the letter given by the deceased. Since the

class teacher informed about the letter to the mother of the deceased, the mother of the deceased scolded her. For the said reason, the deceased committed suicide in the bedroom, after the warning and advice of her mother. Hence, the Assistant Commissioner of Police dropped the further action as there is no prima facie evidence available for charging the accused and gave his detailed final report before the Tahsildar and obtained acknowledgement. Based on the said report, the then Inspector of Police has filed final report on 29.1.2014 before the learned Judicial Magistrate, Ambattur. Thus, the first respondent sought for the dismissal of the petition.

4. Considering the facts and circumstances of the case and considering the detailed status report filed by the first respondent, this Court is not inclined to entertain the prayer that has been made by the petitioner for further investigation in this case. Hence, the present criminal original petition is dismissed. However, the petitioner is at liberty to work out his remedy by filing a protest petition, if he is so advised.

sbi

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police,
T.3, Korattur Police Station,
Korattur, Chennai-80.
2. The Deputy Commissioner of Police,
Ambattur Range,
Avadi, Chennai.
3. The Public Prosecutor,
High Court, Madras.

+ 1 cc to M/s.R.Chellappa Advocate SR 643

ak(co)
prk21/1

Cr1.O.P.No.26384 of 2015