

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 09.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Criminal Original Petition No.571 of 2016

M.Natarajan

... Petitioner

-Versus-

1. State Rep. by
Inspector of Police,
Avinashi Police Station,
Avinashi, Tirupur District.
2. The Superintendent of Police,
Tirupur District. Respondents

Prayer: This petition is filed under Section 482 Cr.P.C. praying to alter the charges in Crime No.503 of 2014 "from unnatural death" to Section 302 of IPC and to investigate the same within stipulated period to be fixed by this court.

For Petitioner : Mr.S.Parthasarathy
For Respondents : Mr.C.Emalias,
Additional Public Prosecutor

ORDER

This original petition has been filed seeking for a direction to the respondent to alter the penal provision mentioned in the FIR in Crime No.503 of 2014 from Section 174 of Cr.P.C. into one under Section 302 of IPC and to investigate the case in accordance with law.

2. On the complaint lodged by the petitioner Natarajan (de facto complainant), the 1st respondent police have registered a case in Crime No.503 of 2014 under Section 174 of Cr.P.C. In the complaint, it is stated that the petitioner's daughter Tamilarasi, who was married to Dhivakar, was found hanging. On receiving the information about the death of his daughter the petitioner gave a complaint pursuant to which the present case has been registered. Since the petitioner is not satisfied with the investigation, he has come forward with the present petition for appropriate direction.

3. The Deputy Superintendent of Police has filed a detailed counter affidavit narrating the entire facts of the case. He has specifically stated in the counter that the petitioner's daughter was not murdered by anyone and she had committed suicide.

4. The learned Additional Public Prosecutor, on instructions, submitted that investigation has been completed and the case has been closed as "further action dropped" and a closure report has also been filed before the Revenue Divisional Officer cum Sub Collector, Tirupur, on 24.04.2015. He further submitted that a RCS notice has also been served on the petitioner on 27.01.2016. He has also furnished a copy of the closure report to the learned counsel for the petitioner across the bar.

5. Under such circumstances, the Revenue Divisional Officer cum Sub Collector, Tirupur, is directed to take a photocopy of the entire records and shall retain the photocopy and transmit the entire original records to the court of the learned Judicial Magistrate, Avinashi, Tirupur District, within a period of four weeks from the date of receipt of a copy of this order so that the petitioner can file a protest petition, if so advised.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

- 1.The Judicial Magistrate,
Avinashi, Tirupur District.
- 2.The Inspector of Police,
Avinashi Police Station,
Avinashi, Tirupur District.
- 3.The Superintendent of Police,
Tirupur District.
- 4.The Revenue Divisional Officer cum Sub Collector,
Avinashi, Tirupur.

+1cc to Mr.S.Parthasarathy, Advocate, S.R.No.64670

Cr1.O.P.No.571 of 2016