

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2016

CORAM

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.7043 of 2016

Mrs.Devi

... Petitioner

Vs

1. Superintendent of Police,
Coimbatore District,
Coimbatore.

2. The Inspector of Police,
Chettipalayam Police Station,
Coimbatore District.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. praying to grant an order of direction directing reinvestigation of the case in Crime No.130 of 2014 on the file of the Inspector of Police, Chettipalayam Police Station, Coimbatore District by an independent agency like CBCID or CBI as may be directed by this Court.

For Petitioner : Mr.S.Thanka Sivan

For Respondents : Mr.C.Emalias

Additional Public Prosecutor for R1

O R D E R

The petitioner has come forward with this petition under Section 482 of Code of Criminal Procedure, seeking a direction, directing reinvestigation of the case in Crime No.130 of 2014 on the file of the Inspector of Police, Chettipalayam Police Station, Coimbatore District by an independent agency like CBCID or CBI.

2. The learned counsel appearing for the petitioner would submit that on the basis of the complaint given by the petitioner's mother on 14.07.2014 in regard to the death of her father, a case in Crime No.130 of 2014 has been registered under Section 174 Cr.P.C. After conducting enquiry, further action has been dropped. Since the petitioner suspected that the death had not occurred due to drowning, the petitioner wants to re-investigate the matter. Hence, the petitioner has given a

representation on 07.01.2016, in this regard. But till date, no action has been taken. Hence, the petitioner has come forward with this petition for reinvestigation of the case in Crime No.130 of 2014.

3. Heard the submissions made on either side and perused the materials placed before this Court.

4. On a perusal of the FIR, it is seen that the first wife of the deceased has given a complaint stating that her husband would come in a drunken stage everyday and on 14.07.2014 she witnessed that her husband was missing and she made a search. At that time, her brother intimated that her husband fell down in the well. Hence, a case has been registered under Section 174 Cr.P.C. and after inquest, body has been sent for postmortem. In the postmortem report, it is stated that the death had occurred due to drowning associated with multiple injuries and the body does not contain any poison. Therefore, further action has been dropped. Since the petitioner suspected the death of her father, she wants to implicate the first wife of her father and their children.

5. It is not disputed that the deceased was residing along with his first wife and their children. In such circumstances, I am of the view that only to take vengeance against the first wife of the deceased and her daughter, the petitioner has filed this petition after two years. Hence, I am not inclined to pass any order as prayed for by the petitioner. Accordingly, this petition is dismissed. The petitioner is directed to pay a sum of Rs.2,500/- (Rupees Two Thousand and Five Hundred only) to the High Court Legal Aid Service Authority attached to this Bench as costs for abusing the process of Court.

vsm

s/d-

Assistant Registrar (CS-V)

True Copy

सत्यमेव जयते
Sub-Assistant Registrar

To

1. Superintendent of Police,
Coimbatore District,
Coimbatore.
2. The Inspector of Police,
Chettipalayam Police Station,
Coimbatore District.

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3. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.S.Thankasivan, Advocate SR 19966

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