

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.963 of 2016

R.Inipodhum

... Petitioner

Vs

The Inspector of Police
V-6, Kolathur Police Station,
Kolathur,
Chennai - 600 099
(Crime No.1448 of 2014)

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to grant a general direction transferring the investigation to any other suitable authority pertaining to Crime No.1448 of 2014 pending with the respondent police by stipulating a time frame for completing the investigation.

For Petitioner : Mr.P.V.Sudakar

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

O R D E R

This petition has been filed for a direction, directing transfer of investigation to any other suitable authority pertaining to Crime No.1448 of 2014 pending with the respondent police by stipulating a time frame for completing the investigation.

2. The petitioner is the wife of N.Ramachandran. The petitioner's husband died in 1998. The petitioner's daughter Lakshmi was married to one Sivagnanam on 9.3.2008 at Pallikonda, Vellore Taluk. After marriage, the petitioner's daughter and her husband set up a separate matrimonial home. After six years of marriage, the petitioner's daughter became pregnant. Thereafter the petitioner's son-in-law exercised undue influence over the daughter of the petitioner that natural child birth is the natural course for all human beings and no one should go to

the hospital for the purpose of child birth and they would have child birth by acupuncture method. The petitioner's daughter obeyed her husband's words. The petitioner repeatedly asked her daughter to consult a doctor and get admitted in hospital for child birth but the petitioner's son-in-law informed the petitioner not to interfere in their matrimonial affairs. Under such circumstances, on 10.11.2014, the petitioner was called to the house of her daughter stating that the child was born. She went there and found that the petitioner's daughter as well as the new born child was static and never moved. The petitioner's son-in-law informed the petitioner that the new born child is sleeping and the petitioner's daughter should be taken to the hospital for the purpose of proper treatment. They rushed to the nearby hospital where the petitioner's daughter and the new born child were declared dead long back. The son-in-law of the petitioner insisted that the petitioner should sign in the complaint stating that her daughter and her child died due to natural causes. Without knowing what to do, the petitioner signed in the papers shown by her son-in-law. Thereafter, the petitioner felt that something quite unnatural happened in the death of her daughter and her child. The petitioner used to give property to her daughter under various sale deeds. The petitioner's daughter died within 7 years of her marriage. But the petitioner's son-in-law has given information that his wife died after 8 years of marriage. The petitioner strongly suspects that her son-in-law has a criminal motive and he is responsible for the death of her daughter and her child. Hence, she lodged a complaint with the respondent police i.e., Kolathur Police Station and the same was registered in Crime No.1448 of 2014. But later, the petitioner came to know that the petitioner's son-in-law's close relative is working in the police station at Kolathur and hence, the investigation would not be done in a fair manner. Hence, the present petition to transfer the investigation.

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

4. Learned Additional Public Prosecutor has filed a status report stating that on receipt of the complaint, a case has been registered in Crime No.1448/2014 under Section 174 Cr.P.C. and Mr.K.S.Kandhakumar, the then Inspector of Police on 11.11.2014 at 7.30 hours took up investigation. He visited the scene of occurrence and prepared a rough sketch and observation mahazar in the presence of witnesses. He visited the Government Maternity Hospital, Egmore, ,Chennai and conducted inquest over the

dead body of the deceased Lakshmi and her male child in the presence of panchayatar and witnesses. Thereafter, the then Inspector of Police examined seven witnesses. After completion of post mortem, the dead body was handed over to one Anandhan, who is the relative of the husband of the deceased. The then Inspector of Police, examined Dr.Ramalingam, Tutor in Forensic Medicine Madras Medical College, Chennai and recorded his statement and obtained the post mortem certificate of the deceased and her child wherein he has opined that "the deceased (Lakshmi) would appear to have died of shock and hemorrhage due to retained anal adherent placenta". "The deceased (newborn male child) would appear to have died of birth asphyxia due to meconium aspiration." It is further stated in the status report that during the course of investigation, the complainant's son-in-law Sivagnanam returned the Sridhana Articles to the complainant which was given by the complainant at the time of marriage. On completion of thorough investigation, based on statement of witnesses and post-mortem certificates, the case was referred as "Further Action Dropped" by Mr.J.Eswararan, the then Inspector of Police on 21.05.2015. Therefore, there is no necessity to grant a direction for transfer of investigation and hence, prayed to dismissal of the petition.

5. Considering the fact that on completion of investigation the complaint itself has been closed, the question of transferring the investigation, at this juncture, does not arise. Therefore, the petition is liable to be dismissed. Accordingly, the criminal original petition is dismissed. However, the respondent police is directed to file the referred charge sheet before the concerned Magistrate within a period of one month from the date of receipt of a copy of this order. On filing such RCS notice, the petitioner is at liberty to file the protest petition.

सत्यमेव जयते

Sd/-

Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

vsi

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To

1. The Inspector of Police
V-6, Kolathur Police Station,
Kolathur,
Chennai - 600 099.

2. The Public Prosecutor,
High Court, Madras.

1 cc to Mr.T. Saravanan, Advocate, Sr. 4382

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