



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:15.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P.(MD)No.13629 of 2017

and

Cr1.M.P(MD)No.9156 of 2017

A.Selvaraj

... Petitioner

-Vs-

1. The Superintendent of Police,
Kanyakumari District,
At Nagercoil.

2. The Inspector of Police,
Colachel Police Station,
Kanyakumari District.
(Crime No.261 of 2017)

3. The Inspector of Police,
CBCID, Nagercoil,
Kanyakumari District.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the first respondent to transfer the investigation in Crime No.261 of 2017 on the file of the second respondent to the third respondent by considering the representation of the petitioner dated 18.08.2017.

For Petitioner : Mr.S.C.Herold Singh

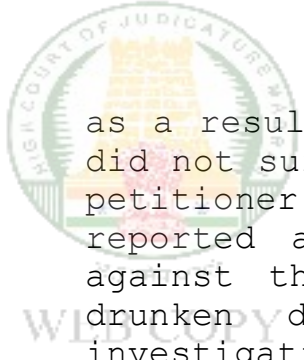
For Respondents : Mr.A.Ramar

Additional Public Prosecutor

O R D E R

This petition is filed for a direction to the first respondent to transfer the investigation in Cr.No.261 of 2017 on the file of the second respondent to the third respondent.

2.The petitioner is the father of the deceased one S.T.Femicia Raja Vency. It is stated that the marriage between his elder daughter and one David H.Staford took place on 02.05.2014 as per the Christian practice. It is stated by the petitioner that his son-in-law and his parents were demanding dowry and that there was some dispute. On the fateful day, while the petitioner's daughter and son-in-law were travelling in the car owned by his son-in-law, they met with an accident. It is stated that the petitioner's daughter collapsed at once and died

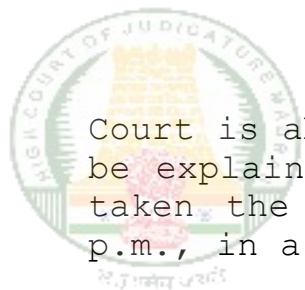


as a result of the accident. Whereas, the petitioner's son-in-law did not suffer even a minor injury. In the said circumstances, the petitioner has given a representation. Though the accident was reported and the case was registered in Cr.No.261 of 2017 as against the petitioner's son-in-law for rash and negligent and drunken driving, it is contended by the petitioner that investigation was not properly conducted by the second respondent.

3. It is further stated that the petitioner's daughter was often harassed by his son-in-law and that the petitioner's son-in-law had earlier caused death of foetus by cruelly assaulting his daughter. It is reported that the petitioner's daughter was wearing nighty at the time of accident. Since the petitioner's daughter was not in the habit of wearing nighty when going outside, the petitioner states that his suspicion about the death of his daughter is well founded.

4. The second respondent has filed a status report and the report reflects the event narrated in the complaint that was lodged on the date of accident. The second respondent appears to be convinced that the death of petitioner's daughter was purely due to the accident and there is no suspicious circumstances. Even though the second respondent has conducted investigation and enquired several witnesses, he has found that the death is purely due to the accident. This Court though has no reason to doubt the integrity of the officer, is able to note one important fact about the incident. The petitioner's son-in-law stated that he attended a marriage function on 04.08.2017 during night. It is also admitted that he drove his car in a drunken mood and returned to his house at 10.00 p.m. Subsequently, it is reported that the petitioner's son-in-law took his wife namely the petitioner's daughter in the car and that she was wearing nighty and seated in the front seat of the car. It is stated further that the petitioner's son-in-law drove the car in a rash and negligent manner and that he could not control the speed of his car. It was also stated that the accident occurred purely due to the rash and negligent manner in which the petitioner's son-in-law drove the vehicle. It is stated that the car dashed against an Electric Post and the petitioner's daughter S.T.Femicia Raja Vency sustained grievous injuries on her head, while the petitioner's son-in-law had not suffered even a minor injury.

5. It is admitted that the petitioner's daughter became unconscious and never recovered thereafter to open her eyes or to talk. Though it was stated that the petitioner's daughter died only on 07.08.2017, she did not see any one or talk to any one as she was only in the stage of coma. Having regard to the admitted fact that the petitioner's daughter was taken by her husband after <https://hcservices@comptroller.gov.in/hcservices> drunken mood when she was wearing only nighty and the petitioner's daughter suffered fatal injury and his son-in-law who was in drunken mood did not suffer even a small injury, this



Court is able to see some unusual and unnatural event which has to be explained. It is reported that the petitioner's son-in-law has taken the petitioner's daughter in a drunken mood after 10.00 p.m., in a car while the petitioner's daughter was wearing nighty.

6. Though there is no specific allegations against the second respondent, this Court find that the second respondent has not conducted any proper investigation to clear several questions that strike ones mind, from the sequence of events. This Court is able to see some justification in the petitioner's request for transfer of investigation as further investigation by the second respondent may not yield any result. This Court is therefore inclined to allow the petition directing the first respondent to transfer the investigation in Crime No.261 of 2017 from the file of the second respondent to the third respondent forthwith and the third respondent is directed to file a final report after completing the investigation within a period of six months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Kanyakumari District,
At Nagercoil.
2. The Inspector of Police,
Colachel Police Station,
Kanyakumari District.
3. The Inspector of Police,
CBCID, Nagercoil,
Kanyakumari District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.S.C.Herold Singh, Advocate Sr.No.87575

AM

VB/MR/KKR/SAR1/07/12/2017/3P/6C