



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2017

CORAM:

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.O.P. (MD) No.4317 of 2017

and

W.P. (MD) No.19767 of 2016

Crl.O.P. (MD) No.4317 of 2017

1.K.Natarajan

: Petitioner/Defacto
Complainant**-Vs-**State through
The Inspector of Police,
S.S.Colony - Police Station,
Madurai City.

: Respondent/Complainant

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code to direct the Inspector of Police, S.S.Colony Police Station to expedite the investigation in Crime No.872 of 2016 pending on the file of the respondent Police.

W.P. (MD) No.19767 of 2016

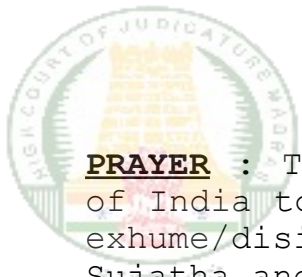
K.Natrajan

: Petitioner

Vs.

1. The District Collector,
Madurai District,
Madurai.
2. The Commissioner of Police,
Madurai City, Madurai.
3. The Revenue Divisional Officer,
District Collector office campus,
Madurai, Madurai District.
4. The Thasildar,
Madurai North,
Madurai, Madurai District.
5. The Inspector of Police,
S.S.Colony Police Station,
Madurai City, Madurai.

: Respondents



PRAYER : This writ petition is file Under Section 226 Constitution of India to issue a writ of mandamus by directing the respondents to exhume/disinter the dead body of the petitioner's daughter by name Sujatha and perform the post-mortem.

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For Petitioner
in both petitions : Mr.Ramprakash Rajagopal
For Respondents
in both petitions : Mr.K.Anbarasan
Government Advocate(Crl.Side)

COMMON ORDER

The Petitioner's daughter viz., Sujatha got married to Krishnakumar on 10.12.2014, in Kumbakonam and after marriage Krishnakumar went U.S. in January 2015 Where he was working. In March 2015, the petitioner's daughter Sujatha also joined her husband. On 07.03.2016, the petitioner received information that his daughter Sujatha had died in U.S. The body of Sujatha was brought to India and handed over to the petitioner and the same was cremated on 16.03.2016. Thereafter, on 05.04.2016, the petitioner gave a complaint to the Police alleging foul play in the death of Sujatha. Now, the petitioner is before this Court with the above prayer.

2.The learned Government Advocate (Crl.side) submitted that the body of Sujatha was brought to India from U.S. with necessary medical records from the U.S. Authorities. On the complaint given by the petitioner, a case in Crime No.872 of 2016 has been registered on 30.07.2016 for the offences Under Sections 498-A, 306, 506(i), and 201 IPC, against Krishnamumar and his family members and during the course of investigation, medical records of Sujatha were submitted to the team of Doctors of Government Rajaji Hospital, Madurai, who had given the following opinion :

"Medical Report of Tmt.Sujatha Natarajan :

As per the request from the Assistant Commissioner of Police, Thilagar Thidal, Madurai City, Madurai the Committee Comprising of Dr.M.Natarajan, M.D., Professor of Clinical Medicine, Dr.P.N.Rajasekaran, MD.,DM., Professor & Head, Dept. of Medical Oncology, Dr.K.S.Chitra, M.D., DGO, Professor of OG and DR.K.Seerala Boopathi, MD., DM., Assistant Professor of Rheumatology in Government Rajaji Hospital, Madurai Scrutinized the available medical records of Tmt.Sujatha Natarajan (Indian Passport No.L2565269) and came to a conclusion that the death was due to the SYSTEMIC LUPUS ERYTHEMATOSIS and its attendant complications. There is no evidence of malignancy in the available records. There is no obvious obstetrics and gynecological complication. Hence it is considered that the cause of death is natural. Post mortem not done and



hence report not included."

3. This Court gave its anxious consideration to the rival submissions made by both sides.

4. Even according to the petitioner, his daughter died in U.S. and not in India. That apart, the experts from the Government Rajaji Hospital, Madurai had given the aforesaid opinion which clearly shows that Sujatha death was due to systemic lupus erythematosus and its attendant complications. Though, this Court sympathises with the petitioner for the loss of his daughter, yet the family members of her husband cannot be simply implicated on mere surmises and conjectures. It is indeed unfortunate that Sujatha died. But that does not mean that her husband and his family members were involved in her death.

5. In the result, both the Writ Petition and the Criminal Original Petition are devoid of merits. Accordingly, the same are dismissed, with a direction to the respondent police to complete the investigation in Cr.No.872 of 2016 expeditiously and file necessary closure report before the jurisdictional Court under intimation to the petitioner.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Madurai District,
Madurai.
2. The Commissioner of Police,
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3. The Revenue Divisional Officer,
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Madurai, Madurai District.
4. The Thasildar,
Madurai North,
Madurai, Madurai District.
5. The Inspector of Police,
S.S.Colony Police Station,
Madurai City, Madurai.



6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

DAS/SSL

TE/MR/SAR-III : 29/06/2017 : 4P/7C

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