



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2017

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WEB COPY

THE HONOURABLE MR. JUSTICE P.N. PRAKASHW.P. (MD) No.22233 of 2016

P.Rajangam

... Petitioner

-vs-

- 1.The Superintendent of Police,
Madurai District,
Madurai.
- 2.The Inspector of Police,
CBCID, Madurai.
- 3.The Inspector of Police,
Alanganallur Police Station,
Madurai District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus, directing the 1st respondent to transfer the investigation to the file of 2nd respondent from the file of 3rd respondent in connection with the case in Crime No.453 of 2016 on the file of the 3rd Respondent.

For Petitioner : Mr.R.Balakrishnan

For Respondents : Mr.T.S.Mohammed Mohideen
Additional Government Pleader

O R D E R

This writ petition has been filed, seeking a direction to the 1st respondent to transfer the investigation of the case in Crime No.453 of 2016 from the file of the 3rd Respondent to the file of 2nd respondent.

2.Petitioner's daughter Prithvi died in her matrimonial home on 17.10.2016 and on the complaint of the petitioner the respondent police registered a case in Crime No.453 of 2016 under Section 174(3) Cr.P.C. The inquest in this case was conducted by the Revenue Divisional Officer, Madurai, who in her report dated 18.10.2016, had opined that the death of Prithvi was suicide, but she was subjected to harassment by her husband and in laws. At this juncture, the petitioner, who is the defacto complainant and father of Prithvi has filed the present writ petition for transfer of the case from the file of the third respondent to CBCID, Madurai.



3. Heard R. Balakrishnan, the learned counsel appearing for the petitioner and Mr. T. S. Mohammed Mohideen, the learned Additional Government Pleader appearing for the respondents.

4. The learned counsel appearing for the petitioner submitted that at the time of giving complaint, which formed basis for the F.I.R., the petitioner did not have the full details of the occurrence. Thereafter, he collected materials and based on which he sent a representation dated 10.11.2016 to the 1st respondent, alleging that his daughter was murdered by the accused and the case was made to look as if she committed suicide.

5. Refuting the allegations made by the petitioner, the learned Additional Government Pleader appearing for the respondents submitted that after the inquest postmortem was conducted and the viscera was also sent to chemical examination. In the Postmortem Report, the expert has opined that the death of Prithvi was due to hanging. Further, the respondent police filed an alteration report dated 18.10.2016, altering the case from Section 174 Cr.P.C. to one under Section 306 and 498-A I.P.C. and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act. Learned Additional Government Pleader also submitted that the accused were arrested and released on bail. Thereafter, investigation has been completed and charge sheet was also filed before the Judicial Magistrate, Vadipatti for the aforesaid offences.

6. Per contra, the learned counsel appearing for the petitioner submitted that Prithvi was beaten by the accused and they have smeared chilly powder before causing her death.

7. On the contrary, postmortem report clearly shows that there were transversely oblique incomplete ligature mark on the front, sides and back of neck. No other injury has been noted in the postmortem report. In view of the above, this Court is of the view that this is not a fit case to order transfer of investigation.

8. In the result, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CSII)

/True Copy/

Sub-Assistant Registrar

To

1. The Superintendent of Police, Madurai District, Madurai.
2. The Inspector of Police, CBCID, Madurai.
3. The Inspector of Police, Alanganallur Police Station, Madurai District.

+One cc to Mr. R. Balakrishnan, Advocate, SR.No.13827

+One cc to The Special Government Pleader, SR.No.13462