

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2018

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.6443 Of 2018

Devaraj

... Petitioner

Versus

State by Inspector of Police,
M-4 Redhills Police Station,
Redhills, Chennai 600 052.
(Crime No.1747 of 2017)

... Respondent

Crl.O.P.No.20709 Of 2018

R.Devaraj

... Petitioner

Versus

1.The Commissioner of Police,
Chennai City Police,
Vepery, Chennai - 600 007.

2.The Assistant Commissioner of Police,
Puzhal Range, Kavangarai, Puzhal,
Chennai - 600 066.

3.STATE: represented by,
The Inspector of Police,
M-4 Redhills Police Station,
Crime No.1747 of 2017,
Chennai.

... Respondents

PRAYER in Crl.O.P.No.6443 of 2018: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, directing the respondent to alter the offence in Crime No.1747 of 2017 to one under Section 304-B and Section 498-A IPC.

PRAYER in Crl.O.P.No.20709 of 2018: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to withdraw the case in Crime No.1747 of 2017 pending investigation on the file of the 3rd respondent investigated by the 2nd

respondent and transfer the same to the file of CB-CID Chennai or any other competent agency.

For Petitioner : Mr.Sunder Mohan in Crl.O.P.No.6443 of 2018
: Mr.John Sathyan in Crl.O.P.No.20709 of 2018

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor in both Crl.OP's

COMMON ORDER

The petitioner has sought for transfer of investigation in Crime No.1747 of 2017, pending on the file of the 3rd respondent and has also sought for alteration of the F.I.R by adding the offence under Section 304(B) and 498(A) of IPC.

2.The petitioner is the father of the deceased. The deceased late Eswari was married to one Devaraj and there was a persistent dowry harassment and the marriage took place on 04.09.2014 and the petitioner's daughter died under suspicious circumstances on 10.12.2017. Immediately a complaint was given to the 3rd respondent Police, however, an F.I.R was registered by the 3rd respondent under Section 174 of Cr.P.C.

3.The learned counsel for the petitioner would submit that the respondent did not conduct a proper enquiry in this case and the petitioner was not even enquired either by the Revenue Divisional Officer or by the respondent Police. The learned counsel would further submit that it is a clear case of Dowry death and the respondent Police have closed the case in a hurried manner without following the guidelines given by this Court in Manohari Vs. The District Superintendent of Police, Sivagangai District, Sivagangai and others reported in 2018 (2) L.W.(Crl.) 522. Therefore, the learned counsel would submit that the investigation has to be transferred in this case.

4.The learned Additional Public Prosecutor representing the respondent police would submit that the respondent police have filed a closure report before the Tahsildar, Madhavaram on 28.11.2018. This procedure followed by the 3rd respondent is completely illegal and is in total disobedience of the order passed by this Court, which has been referred supra.

5.This Court is not satisfied in the manner in which the investigation has taken place in this case. Therefore, it becomes necessary for this Court to order a fresh investigation in this case.

6.The Inspector of Police, M-4, Redhills Police Station is directed to handover the entire CD file to the Assistant Commissioner of Police, Puzhal Range, Kavangari, Chennai within a period of ten days from the date of receipt of a copy of this order. The Assistant Commissioner of Police, Puzhal Range shall conduct a fresh investigation in this case by examining all the witnesses. The Assistant Commissioner of Police shall strictly follow the guidelines issued by this Court in the Judgment referred Supra. The investigation shall be completed as expeditiously as possible and the report shall be filed before the appropriate Jurisdictional Magistrate Court.

7.With the above direction, these Criminal Original Petitions are disposed of.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Commissioner of Police,
Chennai City Police,
Vepery, Chennai - 600 007.
- 2.The Assistant Commissioner of Police,
Puzhal Range, Kavangarai, Puzhal,
Chennai - 600 066.
- 3.The Inspector of Police,
M-4 Redhills Police Station,
Chennai.
- 4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.Sunder Mohan, Advocate sr.no.83776

Cr1.O.P.Nos.6443 & 20709 of 2018

vba(co)
nr 03/01/2019