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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.11.2018

CORAM:

THE HON'BLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.19433 of 2018

Amaravathi

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
***North Chennai, Thondaiyarpeth, Chennai.**

2. The Inspector of Police,
M-2, Madhavaram Milk Colony P.S.,
Madhavaram,
Chennai.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C, to direct the first respondent, RDO, Thiruvallur District, to conduct an inquiry into the unnatural death of Jayalakshmi, W/o.M.Saravanan, who died on 30.04.2018, within one year after her marriage and to submit his report before the second respondent.

For Petitioner : Mr.E.J.Ayyappan

For Respondents : Mr.C.Raghavan
Government Advocate (Crl.Side)

ORDER

This petition has been filed seeking for a direction to the first respondent to conduct an inquiry into the unnatural death of petitioner's daughter, who died on 30.04.2018.

2. The learned counsel appearing for the petitioner would submit that on 15.02.2018, the petitioner received a phone call and the petitioner was informed that his daughter was not well. On reaching the place, the petitioner was not able to find his daughter. The husband was not giving any convincing answer with regard to availability of the petitioner's daughter. Thereafter, the petitioner came to understand that the petitioner's daughter sustained head injury on 15.02.2018 and was admitted in the hospital. Subsequently, she died on 30.04.2018. In the mean time, the child was also born.



3. The learned counsel for the petitioner would submit that the petitioner's daughter has been attacked by her husband and the mother-in-law and as a result of the same, the petitioner's daughter sustained injury and had ultimately died on 30.04.2018. When a complaint was given to the respondent police, they have issued a CSR receipt, in CSR.No.320 of 2018, on 03.06.2018 and subsequently, no action has been taken. The learned counsel for the petitioner also submitted that necessary petition is being filed before the concerned Magistrate Court under Section 156 (3) Cr.P.C for a direction to the respondent police to register an FIR and to conduct an investigation. In the mean time, this petition has been filed for a direction to the RDO to conduct an enquiry.

4. This Court has carefully considered the submissions made by the learned counsel for the petitioner.

5. The relief as sought for by the petitioner can be granted only if the respondent police registered an FIR, in this case, under Section 174 of Cr.P.C. Since the petitioner complains unnatural death of the petitioner's daughter, the respondent police can enquire into the same only by registering the FIR under Section 174 of the Cr.P.C. On such registration of the FIR, the respondent police is duty bound to intimate about the incident to the nearest Executive Magistrate in order to hold inquest. However, the case has not reached that stage. Even though the CSR was given on 03.06.2018, the respondent police has not registered any FIR under Section 174 of Cr.P.C. Therefore, the question of directing the RDO to conduct an enquiry does not arise.

6. In the peculiar facts and circumstances of the case, the respondent police is directed to register an FIR under Section 174 of Cr.P.C. Thereafter, the respondent police shall intimate about the incident to the nearest Executive Magistrate and follow the procedure as contemplated under Section 174 of the Cr.P.C. It is left open to the petitioner to place all the facts, at the time of inquiry/investigation.



7. With the above direction, this criminal original petition is disposed of.

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Sd/-

Assistant Registrar(CS IX)

Dated:06/12/2018

*Amended as per order
dated 11.06.2019 made in
Crl.M.P.No.7205/19
in Crl.O.P.No.19433/18

Sd/-

Assistant Registrar(Insp-Cell)

Dated;12.06.2019

//True Copy//

Sub Assistant Registrar

dss

To

1. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
***North Chennai, Thondaiyarpur, Chennai.**
2. The Inspector of Police,
M-2, Madhavaram Milk Colony P.S.,
Madhavaram,
Chennai.
3. The Public Prosecutor,
Madras High Court, Madras.

Amended order to
be substituted for
The order already
despatched on
10/01/2019

+1cc to Mr.E.J.Ayyappan, Advocate, S.R.No.78884

Crl.O.P.No.19433 of 2018

VD(Co)

CS/11/12/2018

srg 13/06/2019