



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 14.02.2018
Delivered on : 27.03.2018

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THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

Cr1.O.P.(MD) No.11419 of 2017
and
Cr1.M.P(MD).No.7851 of 2017

S.Devi Abiramy

... Petitioner

-Vs-

- 1.The Superintendent of Police,
O/o.The Superintendent of Police,
Karur District.
- 2.The Deputy Superintendent of Police,
CBCID,
No.2, Khaja Main Street,
Near Jamal Mohamed College,
Trichy-620 020.
- 3.The Inspector of police,
CBCID,
Thinnappa Nagar,
Pasupathipalayam,
Karur-639 004.
- 4.The Inspector of Police,
K.Paramathi Police Station,
Karur District.
(Cr.No.46 of 2017)

5.Nallasamy

... Respondents

(R5 impleaded as per order of this Court made in
Cr1.M.P(MD).No.9089 of 2017 in Cr1.O.P(MD).No.
11419 of 2017, dated 05.01.2018)

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the first respondent to withdraw the case in Cr.No.46 of 2017 under Section 174 Cr.P.C on the file of the fourth respondent dated 11.02.2017 and entrust the same to the second respondent for an investigation of the case by a Competent Officer, within time stipulated by this Court.



For Petitioner

: Mr.T.Lajapathi Roy

For Respondents

: Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (for R1 to R4)

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Mr.R.Suriyanarayanan (for R5)

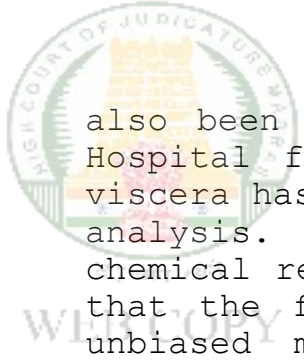
ORDER

This petition has been filed to direct the first respondent to withdraw the case in Crime No.46 of 2017, from the file of the fourth respondent and entrust the same to the second respondent for investigation.

2.The learned counsel appearing for the petitioner has submitted that the petitioner belongs to Arunthathiyar Community, which is Scheduled Caste, whereas, her husband Viz., Karthikeyan, belongs to Kongu Vellalar Community, which is Backward Community. The said Karthikeyan is the son of the fifth respondent herein. The petitioner and the said Karthikeyan got married in the year 2011, as per Hindu Rites and Customs and at that time, the petitioner's husband did not disclose to his parents that she belongs to Scheduled Caste. After marriage, the petitioner and the said Karthikeyan led a marital life at the petitioner's mother's house. The petitioner gave birth to a female child on 01.05.2012. The fact remains so, the said Karthikeyan informed the petitioner that his parents, after coming to know about her caste, are not willing to take her to their house and he assured that he will convince his parents and take back her and child to his parents house later.

3.He further submitted that on 12.02.2017, the petitioner came to know through the newspaper that his husband died. In the newspaper, it was stated that her husband committed suicide by hanging himself. The petitioner suspects that her husband would have been murdered by his parents and hence, she lodged a complaint on 13.02.2017 to the Deputy Superintendent of Police and he directed the petitioner to present the said complaint to the fourth respondent with an endorsement to that effect. Accordingly, the petitioner has presented the said complaint before the fourth respondent on 26.02.2017, but no action has been taken. She subsequently, came to know that with regard to the death of her husband, already the fourth respondent has registered a case in Crime No.46 of 2017 under Section 174 Cr.P.C., but the fourth respondent did not disclose the said fact to the petitioner and hence, she requested to direct the first respondent to transfer the investigation to the second respondent.

4.The learned Government Advocate (Crl.side) has submitted that based on the complaint given by the fifth respondent, who is the father of the deceased a case has been registered in Crime No.46 of 2017 under Section 174 Cr.P.C., on the file of the fourth respondent, thereafter, investigation has been done, inquest has



also been conducted and the body has been sent to the Government Hospital for postmortem. Postmortem has also been done and the viscera has been preserved and sent to the forensic lab for chemical analysis. He further submitted that only after receiving the chemical report, further action can be taken. He further submitted that the fourth respondent is conducting the investigation in an unbiased manner and therefore, the investigation need not be transferred from the fourth respondent to the second respondent.

5.The learned counsel appearing for the fifth respondent has submitted that the fifth respondent is denying the allegation that his son married the petitioner herein. He further submitted that the said Karthikeyan was a vagabond and the fifth respondent gave only advice as dutiful father, but the said Karthikeyan without mindful of the same, committed suicide and for that, the fifth respondent is not at all responsible and therefore he requests to dismiss this petition.

6.Though the petitioner has asked larger relief, this Court is of the view that in stead of going into the merits of the case, the first respondent can be directed to consider the petitioner's representation. Accordingly, the first respondent is directed to consider the petitioner's representation, dated 11.02.2017 and pass appropriate order, within fifteen days from the date of receipt of a copy of this order and inform his decision to the petitioner by RPAD.

7.With the aforesaid submission, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

- 1.The Superintendent of Police,
O/o.The Superintendent of Police, Karur District.
 - 2.The Deputy Superintendent of Police,
CBCID, No.2, Khaja Main Street,
Near Jamal Mohamed College, Trichy-620 020.
 - 3.The Inspector of police, CBCID,
Thinnappa Nagar, Pasupathipalayam, Karur-639 004.
 - 4.The Inspector of Police,
K.Paramathi Police Station, Karur District.
 - 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1cc to Mr.T.Lajapathi Roy, Advocate, SR.No.48796
rmk/cp

RL/7C/2P/SV/MMS/SAR1/17/4/2018

Crl.O.P.(MD) No.11419 of 2017