

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2019

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.22222 of 2015

Nishath Nawaz Banu

... Petitioner

Vs.

1. Inspector of Police,
Vaniambadi Police Station,
Vaniambadi,
Pincode - 635751.
2. The Superintendent of Police,
Vellore District,
Vellore.
3. The Director General of Police,
Office of the DGP,
Chennai - 600004.

.... Respondents

Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondents to take suitable action in terms of the lookout circular and also to seize and retain the passport of the accused Tangalwadi Mohammed Afroze, son of T.Mohammed Niyaz in Crime No.179 of 2014 and take suitable action against him in accordance with law.

For Petitioner : Mr.D.Prasanna
for Gridhar & Sai

For Respondents : Mr.C.Raghavan
Government Advocate

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ORDER

This petition has been filed seeking for a direction to the respondent police to take suitable action in terms of the lookout circular issued against the accused person Tangalwadi Mohammed Afroze, son of T.Mohammed Niyaz in Crime No.179 of 2014.

2. It is seen from the records that the petitioner's daughter had married Tangalwadi Mohammed Afroze in the year 2004 and they were living in Dubai. Both of them are Indian citizens. There were two children out of the marriage. Right through the married life, the daughter of the petitioner is said to have been harassed and physically assaulted, and she used to regularly complain about the same to the petitioner over phone .

3. On 29.06.2014, the petitioner was informed that her daughter fell down from the 7th floor in Dubai and died. The body was brought and she was also cremated. The petitioner had a very serious suspicion on the cause of death and therefore, had given a complaint to the police to the effect that her daughter has been murdered. An FIR was registered on 11.07.2014 in Crime No.172 of 2014 and the body was exhumed and postmortem was conducted. The Postmortem revealed that the deceased had sustained multiple injuries and the final opinion given by the doctor shows the cause of death to be Polytrauma. Since there was no progress in the investigation and the accused person was not brought back to India, the present petition has been filed before this Court seeking for appropriate direction.

4. The learned counsel for the petitioner submitted that the Postmortem Report clearly reveals the fact that the daughter of the petitioner had been assaulted and she had sustained injuries all over the body. The learned counsel further submitted that a lookout circular was issued against the accused person, but no steps were taken to bring him to India to face the prosecution.

5. The Learned Government Advocate submitted that the respondent police were not able to secure the accused person who is living in Dubai, in spite of their best efforts.

6. This Court has carefully considered the submissions made on either side and the materials available on record.

7. Taking into consideration the facts and circumstances of the case, the first respondent is directed to immediately follow-up with the lookout circular issued against the accused person in Crime No.179 of 2014 and bring the accused person to India to face the Criminal proceedings. The investigation shall be monitored by the second respondent and he shall ensure that the investigation proceeds in the right path and it is completed as expeditiously as possible.

8. This Criminal Original Petition is disposed of with the above direction.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

raja

To

1. The Inspector of Police,
Vaniambadi Police Station,
Vaniambadi,
Pincode - 635751.
2. The Superintendent of Police,
Vellore District,
Vellore.
3. The Director General of Police,
Office of the DGP,
Chennai - 600004.
4. The Public Prosecutor,
High Court, Madras.

+2ccs to M/s.Gridhar & Sai, Advocate, S.R.No.54733 & 53685

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KK(CO)
CS/30/07/2019

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