

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 28.02.2019

CORAM
THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.5515 of 2019

Sindhuri

... Petitioner

Vs.

The Inspector of Police,
Sholavaram Police Station,
Thiruvallur District.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to handover the body of the deceased Mani to the petitioner and conduct the cremation of the body only son of the deceased Rohit Ramanan to secure the ends of justice.

For Petitioner : Mr.R.Sankarasubbu

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for a direction to the respondent to handover the body of the deceased Mani to the petitioner and conduct the cremation of the body by the petitioner.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent.

3. It is seen that the deceased Mani married the petitioner's mother viz., Navaneetham in the year 1987 and gave birth to the petitioner and another son Rohit Ramanan. Thereafter, the deceased had illicit relationship with one Indirani. She has been already married with one Arumugam and also gave a birth to one Sri Narayana Balaji. Now the petitioner's father/deceased Mani died on 26.02.2019. After his death, the said Indirani's son Sri Narayana Balaji is also claiming the dead body of the deceased Mani to perform his last rites to the said deceased Mani. The petitioner is a daughter and her brother is minor, hence, she filed a petition seeking for direction to handover the body of her father.

4. The learned Additional Public Prosecutor would submit that there are two rival claimants claiming the body of the

deceased Mani. Therefore, all the matter have been referred to the Revenue Divisional Officer, Ponneri for conducting enquiry with regard to the relationship of the petitioner and the rival claimant Sri Narayana Balaji.

5. Therefore, this Court deems it fit to direct the petitioner to go before the Revenue Divisional Officer, Ponneri and produce the documents to show that her mother is a legally wedded wife of the deceased Mani. On production of the documents, the Revenue Divisional Officer, Ponneri, shall conduct the enquiry and handover the body to the person who proves to be a legitimate child to perform their last rites to the deceased Mani and cremation of the deceased Mani. The Revenue Divisional Officer, Ponneri is directed to proceed with the above process and complete the same on 01.03.2019 itself and close the matter. The petitioner as well as the rival parties shall appear before the Revenue Divisional Officer, Ponneri, who shall conduct the enquiry before both the parties and consider the documents that may be produced by them on merits and in accordance with law and handover the body.

6. With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

lpp/vsn

To

1.The Inspector of Police,
Sholavaram Police Station,
Thiruvallur District.

2.The Public Prosecutor,
High Court, Madras.

3.The Revenue Divisional Officer,
Ponneri.

+2ccs to Mr.R.Sankarasubbu, Advocate, S.R.No.18520

Cr1.O.P.No.5515 of 2019

RSV(CO)

rrs 28/02/2019