

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2019

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.11437 of 2019

S.Nandhini @ Sadhana

... Petitioner

Vs.

1. State rep by
The Inspector of Police,
Sembiyam Police Station,
Chennai.
(Crime No.994 of 2018)
2. The Professor and HOD,
Department of Forensic Medicine,
Government Kilpauk Medical College and Hospital,
Chennai-600 010.
3. The Assistant Chemical Examiner to Government
and Deputy Director,
Forensic Sciences Department,
Kamarajar Salai,
Chennai-600 004.
4. The Scientific Officer and Analyst,
Forensic Sciences Department,
Kamarajar Salai,
Chennai-600 004.

5. Babu Amirthalangam

...Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, to direct the respondent to produce the exhumation/post-mortem report of the deceased, in connection with the registered case in Cr.No.994 of 2018 on the file of the respondent, before the Jurisdictional Magistrate.

For Petitioner : Mr.G.B.Motcham

For RR1 to RR4 : Mr.C.Raghavan
Government Advocate (Crl.Side)

O R D E R

By consent, the writ petition itself is taken up for final disposal.

2.This Writ Petition has been filed seeking for a direction to the respondent to produce the exhumation/post-mortem report of the deceased, in connection with the case registered in Cr.No.994 of 2018 on the file of the 1st respondent, before the Jurisdictional Magistrate.

3. The petitioner got married in the year 2016 at Chennai and thereafter, she got settled in USA. The petitioner's husband suspected her fidelity, on account of which their marital life ran into rough weather. While the petitioner came down to India during December 2017 to look after her mother-in-law who was being treated for her illness, she stayed in the matrimonial house at perambur. The petitioner's mother-in-law passed away on 09.02.2018 due to cardiac arrest. In continuation of this, the petitioner's husband filed a divorce petition on 14.03.2018 under Section 13(1)(ia), for cruelty, through a Power of Attorney, before the IV Additional Family Court, Chennai, in H.M.O.P.No.1165 of 2018. The petitioner filed a petition on 09.05.2018 under Domestic Violence Act before the Additional Mahila Court, Egmore in DVC.No.65 of 2018 seeking for certain reliefs. The petitioner's husband filed a petition before this Court seeking a direction to the respondent police to conduct forensic inquiry on his mother's body. Thereafter the case in Crime No.994 of 2018 came to be registered under section 174(3) Cr.P.C on 06.09.2018 against the petitioner and two others. The respondent police carried out an exhumation procedure on 27.09.2018 in the presence of the Revenue Officials. But till date, the post-mortem report has not been submitted by the 1st respondent police.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.side) appearing for the respondents 1 to 4.

5.The learned Government Advocate (Crl.side) appearing for the respondents 1 to 4 submitted that the body was sent for postmortem and also produced the Report given by the Assistant Professor & HOD, Department of Forensic Medicine, Government Kilpauk Medical College and Hospital, Chennai, dated 02.01.2019 which reads as follows:

"Cause of death of Lalitha 65/F could not be ascertained since the body was skeletalized and the negative chemical analysis".

The said Report is taken on file and record.

6. Considering the submissions made by the learned Government Advocate (Crl.Side), and taking note of the Report submitted by Assistant Professor & HOD, Department of Forensic Medicine, Government Kilpauk Medical College and Hospital, Chennai. Therefore, no further orders need to be passed in this petition. Hence, the same is closed. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

mpa

To

1. The Inspector of Police,
Sembiyam Police Station,
Chennai.
(Crime No.994 of 2018)
2. The Professor and HOD,
Department of Forensic Medicine,
Government Kilpauk Medical College and Hospital,
Chennai-600 010.
3. The Assistant Chemical Examiner to Government
and Deputy Director,
Forensic Sciences Department,
Kamarajar Salai,
Chennai-600 004.
4. The Scientific Officer and Analyst,
Forensic Sciences Department,
Kamarajar Salai,
Chennai-600 004.
5. The Public Prosecutor,
High Court, Madras.

+3cc to Mr.G.B.Motcham, Advocate, S.R.No.38334

W.P.No.11437 of 2019

PVS(CO)
CS/25/04/2019