



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.(MD)No.4386 of 2019

M.Shanthi

... Petitioner

Vs.

1.The Deputy Inspector General of Police
Office of the Deputy Inspector General of Police
Tirunelveli Range
Tirunelveli District

2.The Superintendent of Police
Office of the Superintendent of Police
Tirunelveli District

3.The Deputy Superintendent of Police
Office of the Deputy Superintendent of Police
Tenkasi Sub Division
Tirunelveli District

4.The Inspector of Police
Tenkasi Police Station
Tirunelveli District

....Respondents

Prayer: This Criminal Original Petition has been filed under Section 482 Cr.P.C. to direct the respondents to alter the Section 174 Cr.P.C to Section 302 I.P.C and to file a final report before the Jurisdictional Judicial Magistrate in Crime No.386 of 2018 on the file of the 4th respondent within the period that may be stipulated by this Court.

For Petitioner	: Mr.R.Krishnan
For Respondents	: Mr.K.Suyambulinga Bharathi Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to direct the respondents to alter the Section 174 Cr.P.C into Section 302 I.P.C and to file a final report before the Jurisdictional



Judicial Magistrate in Crime No.386 of 2018 on the file of the 4th respondent within the period that may be stipulated by this Court.

2.The grievance of the petitioner is that the petitioner's daughter Jaya @ Mohana Jayalakshmi died in a suspicious circumstances. Hence, the petitioner has filed a complaint before the fourth respondent police and based on the complaint, the first information report has been registered under Section 174 (3) Cr.P.C in Crime No.386 of 2018. But the petitioner has suspected that it is a case of murder and the petitioner's daughter has been murdered by her husband. Hence, the petitioner has filed this Criminal Original Petition.

3.Mr.K.Suyambulinga Bharathi, learned Government Advocate (Crl.Side), appearing for the respondents, on instructions, would submit that the matter has been thoroughly investigated by the respondent police and thereafter, the negative final report has been filed before the Executive Magistrate, Tirunelveli vide Charge Sheet No.FR-605/2018 that there is no suspicious in the death and it is purely suicide.

4.The investigation reveals that it is a case of suicide and a negative final report has been filed. However, even if the crime has been registered under Section 174(3) Cr.P.C, the respondent police have to file the final report before the Jurisdictional Judicial Magistrate and not to the Executive Magistrate. Hence, the fourth respondent police is directed to file the final report before the Jurisdictional Judicial Magistrate within a period of two weeks from the date of receipt of a copy of this order. After filing of the final report, if the petitioner is having any grievance over the final report, it is always open to the petitioner to workout his remedy in the manner known to law.

5.With the above directions, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (Ad-I)

// True Copy //

Sub Assistant Registrar(CS)

To:

1.The Deputy Inspector General of Police
Office of the Deputy Inspector General of Police
Tirunelveli Range
Tirunelveli District



2.The Superintendent of Police
Office of the Superintendent of Police
Tirunelveli District

3.The Deputy Superintendent of Police
Office of the Deputy Superintendent of Police
Tenkasi Sub Division
Tirunelveli District

4.The Inspector of Police
Tenkasi Police Station
Tirunelveli District

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+2 CC to Mr.R.KRISHNAN, Advocate SR-74870 & 74871.

Cr1.O.P. (MD) No.4386 of 2019
10.07.2019

CS(19.07.2019) 3P 8C