

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 02.08.2019

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE **V.BHARATHIDASAN****W.P. (MD) No.17036 of 2019**

T.Rasendran

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Commissioner of Police,
Madurai City,
Madurai.

3.The Secretary,
State Human Rights Commission,
No.143, P.S.Kumarasamy Raja Salai,
Chennai 600 028.

4.The Secretary,
National Commission for Scheduled Caste
5th Floor, Lok Nayak Bhavan, Khanmarket,
New Delhi 110 003.

5.The Inspector of Police,
Anna Nagar Police Station,
Madurai City,
Madurai.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 to 3 to further direct the fifth respondent to register fresh F.I.R. by incorporating relevant penal provisions of 306 of I.P.C. and 304(B) and further direct the



respondents 1 and 4 to grant compensation for the death of the petitioner's minor daughter under Scheduled Caste / Scheduled Tribe Act (Prevention of Atrocities) Act, based on his representation, dated 27.03.2019.

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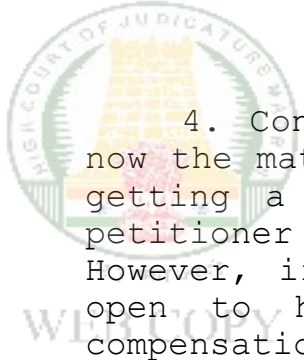
For Petitioner : Mr.M.Rajendran
For Respondents : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.side)

O R D E R

This writ petition has been filed seeking a direction to the respondents 1 to 3 to direct the fifth respondent to register fresh F.I.R. by incorporating relevant penal provisions of 306 and 304(B) of I.P.C. and to direct the respondents 1 and 4 to grant compensation for the death of the petitioner's minor daughter under Scheduled Castes / Scheduled Tribes (Prevention of Atrocities) Act, based on his representation, dated 27.03.2019.

2. The grievance of the petitioner is that the petitioner's daughter by name Kaveri was married to one Karthikkannan, who is none other than petitioner's sister's son. The marriage took place in the year 2017. Subsequently, on 15.05.2018, she came to her parental house. Thereafter, on the very same day evening, she sent back to the matrimonial home and on 16.05.2018, the petitioner's daughter said to have committed suicide. Thereafter, on the same day, the petitioner has given a complaint before the 5th respondent police and based on the complaint, a F.I.R. has been registered for an offence under Section 174 of Cr.P.C. Now, alleging that the petitioner's daughter was committed suicide due to dowry harassment, the petitioner said to have sent a representation on 27.03.2019, to the respondents to alter the F.I.R. for the offences under Sections 304(B) and 306 of I.P.C. and also seeking for compensation for the death of her daughter. Since the said representation has not been considered, the present writ petition has been filed.

3. The learned Government Advocate (Crl.side) would submit that based on the complaint given by the petitioner, now the investigation is pending. That apart, since the petitioner's daughter died within a period of seven years from the marriage, the Revenue Divisional Officer, Madurai has conducted an inquest, in which the petitioner has appeared and not make any allegations regarding any harassment to the deceased and even in the F.I.R. also, he do not make any allegations alleging harassment. Now, the investigation is pending. During investigation, it was found that the deceased was only 14 years old at the time of marriage. Hence, the matter was sent to the Child Welfare Committee for getting a report and only after receipt of a report, final report will be filed.



4. Considering the fact that the investigation is pending and now the matter has been referred to the Child Welfare Committee for getting a report, at this stage, the prayer sought for by the petitioner cannot be granted. Hence, the writ petition is dismissed. However, if at all the petitioner has any grievance, it is always open to him to approach the concerned authority seeking for compensation. No costs.

Sd/-

Assistant Registrar (AD-II)

/TRUE COPY/

Sub Assistant Registrar

To

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Madurai District, Madurai.

2.The Commissioner of Police,

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+1 CC to M/s.M.RAJENDRAN, Advocate (SR-79584[F] dated 02/08/2019)

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02.08.2019

akv

JM/18.09.2019/3P/7C