



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

CRL OP(MD).No. 1392 of 2018

M.Chandran

... Petitioner

Vs.

1. The Superintendent of Police,
Sivagangai District.

2. The Deputy Superintendent of Police,
Thiruppathur Sub Division,
Sivagangai District.

3. The Inspector of Police,
Singambunari Police Station,
Sivagangai District.

... Respondents/Complainant

4. K.Divakar

5. S.Kathiresan

6. K.Sundari

7. K.Prabhakaran

... Respondents/Proposed Accused

PRAYER: This Petition filed under Section 482 of Criminal Procedure Code, to direct the first respondent to transfer the investigation of Crime No.1 of 2018 from the third respondent to some other agency most specifically transfer to CB-CID.

For Petitioner : Mr.P.M.Vishnuvarthanan

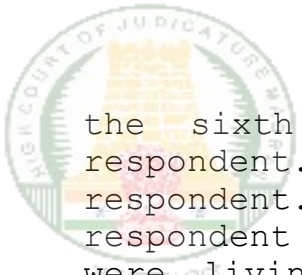
For Respondents-1 to 3 : Mr.K.Suyambulinga Bharathi,
Government Advocate (Criminal Side)

For Respondents-4 to 7 : Mr.Niranjan S.Kumar

ORDER

This Criminal Original Petition has been filed seeking a direction to transfer the investigation in Crime Nos.1 of 2018 from the file of the third respondent to CB-CID for further investigation.

<https://hcservices.ecourts.gov.in/Hcservices/> The petitioner is a *defacto* complainant in Crime No.1 of 2018. The grievance of the petitioner is that his daughter by name Revathi, was given marriage to the fourth respondent. The fifth and



the sixth respondents herein are the parents of the fourth respondent. The seventh respondent is the brother of the fourth respondent. The marriage was solemnized between the fourth respondent and the petitioner's daughter, in the year 2009 and they were living together in a joint family, at the time of their marriage, sufficient dowry was also given to the fourth respondent's family. Thereafter, the fourth respondent and his family demanded more dowry and tortured the petitioner's daughter. On 11.01.2018, some neighbours of his daughter's house, have informed the petitioner that her daughter Revathy was dead. Then, the petitioner immediately lodged a complaint before the third respondent Police and the Police registered a case under Section 174 of the Code of Criminal Procedure. But after registering the First Information Report, the third respondent did not conduct the investigation properly. In the above circumstances, the present petition has been filed seeking for transfer of investigation.

3.Today, when the matter was taken up for hearing, the learned Government Advocate (Crl. side) appearing for the State, on instructions, submitted that based on a complaint given by the petitioner, a First Information Report has been registered under Section 174 of the Code of Criminal Procedure and an inquest was conducted and then the body was sent for postmortem on 20.01.2018. Thereafter, the third respondent conducted investigation and recorded the statement of witnesses and obtained the postmortem report. The investigation reveals that her daughter Revathy committed suicide by hanging and the third respondent filed a final report before the learned Executive Magistrate for dropping further proceedings, and referred charge sheet notice has also served on the petitioner.

4.Considering the facts and circumstances of the case and also considering the fact that investigation is over and final report was also filed, at this stage, the prayer sought for by the petitioner cannot be granted. However, the final report is said to have filed only before the learned Executive Magistrate, the third respondent Police is directed to file the final report before the concerned Jurisdictional Magistrate immediately. If at all the petitioner is having any grievance, it is always open to him to take appropriate remedy in the manner known to law.

5.Accordingly, the Criminal Original Petition stands dismissed.

Sd/-

Assistant Registrar (Crl.side)

/ True Copy /



To

1. The Superintendent of Police,
Sivagangai District.
2. The Deputy Superintendent of Police,
Thiruppathur Sub Division,
Sivagangai District.
3. The Inspector of Police,
Singambunari Police Station,
Sivagangai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.P.M.VISHNUVARTHANAN, Advocate
(SR-75384[F] dated 16/07/2019)

+1 CC to M/s.NIRANJAN S.KUMAR, Advocate
(SR-75649[F] dated 17/07/2019)

CRL OP(MD) .No. 1392 of 2018
15.07.2019

tsg

ES/25.07.2019/3P/7C