

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.09.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P. No.14665 of 2020

J.Kalaiyarasan

... Petitioner

Vs.

1.The Superintendent of Police,
Salem,
Salem District.

2.The Inspector of Police,
Sooramangalam Police Station,
Salem City,
Salem District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the 2nd respondent police to alter the offence under Section 306 of Indian Penal Code, investigate the same and to file a final report in Cr.No.1036 of 2018 on the file of the 2nd respondent within a time stipulated by this Court.

For Petitioner : Mr.E.Sathiyaraj

For Respondents: Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

This petition has been filed seeking a direction to direct the 2nd respondent police to alter the offence under Section 306 of Indian Penal Code, investigate the same and to file a final report in Cr.No.1036 of 2018 on the file of the 2nd respondent within a time stipulated by this Court.

2. The learned counsel appearing for the petitioner would submit that the petitioner's brother committed suicide by hanging with a suicidal note. Though in the suicidal note, there is a specific allegation as against his own second wife/Bhuvana, the second respondent has not proceeded with the investigation with regard to the suicidal note recovered from the body of the deceased. Therefore, still it is pending for investigation under Section 174 of Cr.PC.

3. The learned Additional Public Prosecutor appearing for the respondents has submitted that the deceased got second marriage with one Bhuvana and they were living together. One Praveena who is none other than the sister of his second wife has lodged a complaint as against the deceased with the allegation that he sexually assaulted her daughter. On the said complaint, the Inspector of Police, Anantapur Police Station, Andhra Pradesh, registered a case in Cr.No.85 of 2017 under POCSO Act, in which, the deceased was arrested and released on bail. Thereafter, he came to his native place and committed suicide. He also submitted that some suicidal notes were recovered from the body of the deceased and investigation is under progress.

4. Considering the above submission made by the learned Additional Public Prosecutor, the second respondent is directed to conduct the investigation on the suicidal note recovered from the body of the deceased and if any material attracts offence under Section 306 of IPC, the second respondent is directed to alter the offence accordingly and file a final report within a period of twelve weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

gv

To

1.The Superintendent of Police,
Salem,
Salem District.

2.The Inspector of Police,
Sooramangalam Police Station,
Salem City,
Salem District.

3. The Additional Public Prosecutor,
High Court, Madras.

+1cc to Mr.E.Sathiyaraj, Advocate SR.30717

Cr1.O.P. No.14665 of 2020

SVI (CO)
CB(30/09/2020)