

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 08.10.2020

PRONOUNCED ON : 13.10.2020

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CrI.O.P.No.2106 of 2017

A.Amutha

...Petitioner

Vs.

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

2. State represented by
The Inspector of Police,
Natrampalli Police Station,
Vellore District,
Crime No.70/2016

3. State represented by
The Inspector of Police,
CBCID,
Vellore District.

...Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the first respondent herein to withdraw the investigation in Crime No.70 of 2016 on the file of the second respondent herein and to direct the third respondent or any other independent investigating agency to re-investigate the case and to file a fresh report after thorough investigation considering the RDO/sub-collector's report dated 05.05.2016, in accordance with law.

For Petitioner : Mr.D.Bala Chandran

For Respondents: Mr.L.Charles

Government Advocate

ORDER

On 14.02.2016, one Indumathi, wife of Jagan died in Sri Ramchandra Hospital, Porur, Chennai, in connection with which, on the complaint lodged by her mother - Amutha, the Police registered a case in Crime No.70 of 2016 on 15.02.2016 under Section 174(3) Cr.P.C. The Revenue Divisional Officer, Tirupattur, conducted inquest over the body of the deceased and

in the inquest report, has stated that the deceased Indumathi was in depression as she was not allowed by her in-laws to meet her parents. It is further stated in the report that Indumathi was not given proper medical treatments for her ailment by her husband's family and that may have deteriorated her health leading to her death. The body of Indumathi was subjected to post-mortem and the post-mortem certificate shows that "the deceased would appear to have died due to chronic liver disease and its complications" (emphasis supplied). Investigation conducted by the Police showed that Indumathi's husband was in the Army and had given her treatment in the Air Force Hospital at Bangalore and also in Vijaya Hospital, Chennai. After completing the investigation, the Police filed a closure report opining that the death of Indumathi was not on account of any cruelty by her husband and in-laws and that it was due to food poisoning. Not satisfied with the investigation, Amutha filed Crl.O.P.No.21352 of 2016 for transfer of investigation, in which, this Court vide order dated 06.10.2016, declined the request for transfer of investigation but gave an opportunity to Amutha to file a protest application before the Judicial Magistrate No.3, Tirupattur. The Judicial Magistrate, Tirupattur, sent a communication dated 19.01.2017 to the petitioner, giving her an opportunity to file a protest application before 08.02.2017. The petitioner did not appear before the Magistrate to file any protest petition and it is her contention that she sent the petition by post to the Magistrate. While so, the present petition has been filed for re-investigation.

2. The learned counsel for the petitioner submitted that the Police have not properly investigated the case and the investigation was very perfunctory.

3. This Court carefully perused the records.

4. Admittedly, Jagan, the husband of Indumathi, was an army man and he was posted in various places. The couple had a child. Indumathi and her child were living with her in-laws in Tirupattur. Jagan used to visit her when he comes on leave. The Revenue Divisional Officer had examined only the family members of Indumathi and there is no material to show that he had examined either Jagan or his family members before arriving at the said opinion. The opinion of the Revenue Divisional Officer in the inquest report is not binding on the Investigation Officer. Even according to the petitioner, Indumathi was given treatment in the Air Force Hospital in Bangalore and in Vijaya Hospital, Chennai before she was admitted in Sri Ramchandra Hospital, Porur. The post-mortem report does not give room to any suspicion in the death of Indumathi.

5. In fine, this Court, does not find any good reasons to suspect foul play in the death of Indumathi for ordering re-investigation. In the result, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Superintendent of Police,
Vellore District,
Vellore.
2. The Inspector of Police,
Natrampalli Police Station,
Vellore District,
Crime No.70/2016
3. The Inspector of Police,
CBCID,
Vellore District.
4. The Public Prosecutor,
Madras High Court,
Chennai - 600 104.
5. The Judicial Magistrate No.3,
Tirupattur.

+1cc to Mr.D.Balachandran, Advocate in Sr.33770

Cr1.O.P.No.2106 of 2017

VG-II(CO)
RV(04/11/2020)