

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No. 32636 of 2019

D.Parimala

... Petitioner/Mother of
Deceased

Vs.

1. The State rep by
The Inspector of Police, (L&O)
R-8, Vadapalani Police Station,
Chennai - 600 026.

...1st Respondent

2. B.Jayaprakash

...2nd Respondent/Defacto
Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct a transfer of the investigation in crime No.85 of 2019 on the file of the first respondent to the CBCID agency.

For Petitioner : Mr. M.Ganesan

For Respondents: Mr.M.Mohamed Riyaz (for R1)
Additional Public Prosecutor.
: Mr.S.N.Arunkumar (for R2)

O R D E R

This petition has been filed to direct a transfer of the investigation in crime No.85 of 2019 on the file of the first respondent.

2. The learned Counsel for the petitioner would submit that she is mother of the deceased Pavithra, and she submitted that based on the complaint lodged by the husband of the deceased, a case has been registered in Crime No.85 of 2019 under Section 174 of Cr.P.C by the petitioner that her daughter got married with R2 on 14.09.2005. Later, on 21.02.2019 her daughter had left her two daughters in her house, as there was quarrel between the daughter and her husband. Thereafter she had returned to her house and picked up her two daughters and left to her husband place. Thereafter, suddenly around 11.30 P.M

she received a phone call from the second respondent/son-in-law stating that her daughter had committed suicide by hanging herself. Admittedly there was a quarrel between the husband and deceased. Therefore, even though the respondent has passed R.C.S.No. 34 of 2019 under Section 306 of IPC as against the husband of the deceased, the petitioner seeks to transfer of the investigation in crime No.85 of 2019 on the file of the first respondent to the CBCID agency.

3. Heard Mr.M.Ganesan, learned counsel appearing for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the first respondent and Mr.S.N.Arun Kumar, learned counsel appearing for the second respondent.

4. Per contra, the learned Additional Public Prosecutor has filed a status report stating that the first respondent has conducted inquest in the presence of panchayatdars and in which the petitioner/mother of the deceased submitted a written statement by stating that she has no suspicion on her daughter's death and also willing to handover the body of her daughter to her son-in-law. On receipt of the Post Mortem report and also investigation it was found that the deceased would have died of Asphyxia due to hanging. Based on the witnesses statement and material evidences, on 02.12.2019 the Sub Inspector of Police closed FIR and further action dropped and served R.C.S.No.34 of 2019 to the defacto complainant namely Tr.Jayaprakash son in-law.

5. The defacto complainant and his wife were having frequent quarrel with regard to the maintenance of his parents, at that time, the deceased used to threaten the complainant that she would commit suicide or go away from him. While so, on 21.02.2019 at about 9.30 p.m, when the complainant returned to home, the deceased was having quarrel with him. Thereafter, at about 11.45 p.m., the deceased and her daughters went inside the bed room and locked the door. After 10 minutes when the complainant saw the deceased, she had committed suicide by hanging herself from the ceiling fan with her dhuppatta. Immediately, the complainant rescued his wife and took her to Government Royapettah Hospital, where the medical officer examined and declared her dead. Hence the defacto complainant lodged a complaint before the first respondent which was registered a case in crime No.85 of 2019 under Section 174 of Cr.P.C.

6. Infact the petitioner namely mother of the deceased gave a written statement by stating that she has no suspicion on her daughter's death and it appears she had handed over the body of her daughter to her son-in-law. Thereafter, during the course of investigation, on 22.02.2019, the first respondent/ Sub Inspector of Police has obtained Post Mortem Report in which the

reason for death was stated as "the Asphyxia due to hanging". Therefore the first respondent closed the FIR as further action dropped and also served R.C.S.No.34 of 2019 filed to the son-in-law of the petitioner herein.

7. Therefore, this petition seeking transfer of investigation is dismissed. However the petitioner mother of the deceased can file a fresh protest petition with reference to charge sheet filed by the first respondent before the concerned Court in R.C.S.No.34 of 2019 in the manner of law.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police, (L&O)
R-8, Vadapalani Police Station,
Chennai - 600 026.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Ganesan, Advocate, Sr.No.19629

+1cc to Mr.N.Anandan, Advocate, Sr.No.19843

सत्यमेव जयते

Cr1.O.P.No.32636 of 2019

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VBA (CO)
GS(17/07/2020)