



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.3914 of 2020

WEB COPY

S.Gomathi

...Petitioner/Defacto complaint

Vs

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

2.The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District

...Respondents/Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the first respondent to change the investigation under Crime No.64 of 2020, on the file of the second respondent Police to any other investigating agency as deem fit and further direct the investigating officer to expedite the filing of charge sheet .

For Petitioner : Mr.K.R.Laxman

For Respondents : Mr.A.Robinson
Government Advocate (Crl.side)

ORDER

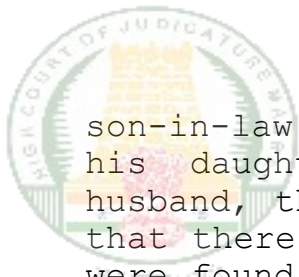
This criminal original petition has been filed seeking transfer of investigation.

2.The petitioner's daughter Nivetha died under unnatural circumstances on 17.02.2020. The petitioner alleges that she found injuries on the body of her daughter and that, the second respondent is not taking proper action.

3.The learned Government Advocate (Crl.side) passed on the entire case file.

4.I consciously refrain from recording the stand taken by the learned Government Advocate as it may possibly prejudice the investigation. However, it is to be noted that the petitioner's representation dated 25.02.2020 specifically refers to the complaint dated 18.02.2020 given by her husband. In fact, Crime No.64 of 2020 has been registered under Section 174 of Cr.P.C., on that basis.

5.I went through the contents of the petitioner's husband's complaint. The petitioner's husband specifically alleges that his



son-in-law and others are responsible for the suicide committed by his daughter. Therefore, even according to the petitioner's husband, the death was one of suicide. Therefore, I am of the view that there is no merit in the petitioner's contention that injuries were found on the body of her daughter. Be that as it may, FIR in question cannot remain one under Section 174 of Cr.P.C. indefinitely. The occurrence had taken place way back on 17.02.2020. The complainant alleges cruelty on the part of the husband of his daughter which is said to be the reason for the suicide.

6. Therefore, the second respondent is directed to file an alteration report and incorporate the offence under Section 306 of IPC. Since it is an unnatural death, the Executive Magistrate will have to necessarily hold an enquiry. This should be done at the earliest. Therefore, directing the second respondent to speed up the investigation and file a final report within a period of three months, this criminal original petition is disposed of.

Sd/-

ASSISTANT REGISTRAR()

TRUE COPY

/ /2020
SUB ASSISTANT REGISTRAR(CS)

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To

1. The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.
2. The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K.R.LAXMAN, Advocate (SR-9462[F] dated 02/03/2020)

CrI.O.P (MD) No.3914 of 2020
02.03.2020

MKB(13.02.2020)/2P/5C