



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.12.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P.(MD)No.13591 of 2020

R.Premma

... Petitioner

vs.

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

2)The Deputy Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

3)The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram District.

4)The Inspector of Police,
CBCID,
Ramanathapuram.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to give a direction to direct the 1st respondent to transfer the investigation from the 3rd respondent to the 4th respondent in Crime No.512 of 2020 dated 06.08.2020 and file the final report within the period stipulated by this Court.

For Petitioner : Mr.H.Velavadhas

For Respondents : Mr.V.Neelakandan
Additional Public Prosecutor

ORDER

This petition has been filed to direct the 1st respondent to transfer the investigation from the 3rd respondent to the 4th respondent in Crime No.512 of 2020 dated 06.08.2020 and file the final report within the period stipulated by this Court.



MS and was working in Syed Ammal Hospital and she stayed in a ladies hostel at Ramanathapuram. On 06.08.2020 about 10.15 a.m., the petitioner received a phone call from one Kalidhas who had stated that one Ilamparuthy S/o.Rajamani temporarily residing with the petitioner's daughter at Thaiumana Sami Koil Street, Ramanathapuram Town, on 05.08.2020 quarrelled with the petitioner's daughter and he attacked her and due to injuries, she died and immediately, the said Ilamparuthy escaped from the scene of occurrence after destroying the evidence. The said Ilamparuthy was working in Health Department. The petitioner gave a complaint against the said Ilamparuthy on 06.08.2020 and based on the same, a case in Crime No.512 of 2020 was registered under Section 174 Cr.P.C. According to the petitioner, post-mortem report of her daughter reveals so many injuries on the dead body, but the 3rd respondent has not considered the same and apprehending that fair investigation will not be done if the 3rd respondent investigates the case, the petitioner has sought for transfer of investigation to the 4th respondent/CBCID.

3.The 3rd respondent has filed a status report. The learned Additional Public Prosecutor would state that the 3rd respondent/police inspected the place of occurrence and prepared rough sketch, observation mahazar and enquired the witnesses and obtained their statements. The investigation revealed that the deceased had been living together with the suspected accused Ilamparuthy and they were already married without the knowledge and consent of their parents and the post-mortem report of the deceased is pending for Bio Cheminal analysis report. He would further state that the deceased was working as Homeopathy doctor at Seyedammal Hospital and the said Ilamparuthy has been working as Health Inspector at Government Hospital, S.P.Pattinam and the deceased and the said Ilamparuthy loved each other. When the parents of Ilamparuthy approached the parents of the deceased for their marriage, they refused and therefore, the deceased Thatchayini and Ilamparuthy married in 2019 in a temple without the knowledge of their parents and they had been living in a rental house at Muthuramalingasamykovil street, Ramanathapuram. Since the deceased was talking to another person over phone, the said Ilamparuthy condemned her act and due to which, there was difference of opinion between them. On 06.08.2020 about 04.00 a.m., Ilamparuthy went to the ground floor of the house and consumed brandy and he noticed the deceased was sleeping in her room and at 06.30 a.m., when the said Ilamparuthy woke up, he noticed that the deceased was found hanging by saree and he retrieved the deceased from hanging and passed electric shock on her body to check whether she was alive and thereafter he informed it to his relatives.

<https://hcservices.courts.gov.in/hcservices> The learned Additional Public Prosecutor would further state that viscera report dated 12.10.2020 was received on 15.10.2020 from the Government Hospital which indicates "Cardiopulmonary



Arrest, Ashyxia due to hanging and multiple electrical burn marks over right upper limb and left upper chest''. Since there is no definite conclusion with regard to the cause of death of the deceased, the 3rd respondent/police sent a requisition to the Medical Superintendent, Government Headquarters Hospital, Ramanathapuram, seeking opinion about the cause of death of the deceased and the same is yet to be received. He would also state that the investigation is almost completed and further investigation will be proceeded based on the opinion about the cause of death of the deceased. Thus, he would pray that transfer of investigation is not warranted.

5.Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the respondents.

6.After going through the status report filed by the 3rd respondent, this Court is satisfied that the investigation in this case is going on the right direction. But considering the anguish expressed by the petitioner due to the death of her daughter, ends of justice would be met by directing the 2nd respondent/Deputy Superintendent of Police, Ramanathapuram District, to monitor the investigation. Accordingly, there shall be a direction to the Deputy Superintendent of Police, Ramanathapuram District, to monitor the investigation in Crime No.512 of 2020 conducted by the 3rd respondent/police and the 3rd respondent/police shall complete the investigation and file the final report before the court concerned within a period of three months from the date of receipt of a copy of this order.

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

Sd/-

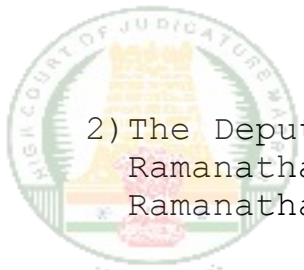
Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



2)The Deputy Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

3)The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram District.

4)The Inspector of Police,
CBCID,
Ramanathapuram.

5)The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER MADE IN
Crl.O.P. (MD)No.13591 of 2020
DATED : 23.12.2020

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AE/ (19/01/2021) 4P / 6C