

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 1438 of 2020**

- Anusuiya Tiwari, 81 years Wd/o- Ramvishal Tiwari, Post:- Khallari, P.S. - Khallari, Tahsil- Bhagbahara, Dist.- Mahasamund (C.G.) Anusuyia Tiwari.

---- Petitioner**Versus**

1. State of Chhattisgarh through the Secretary of Department of Home, Chhattisgarh Rajya Mantralaya, Mahanadi Bhavan P.S.- Mandir- Hasaud, Naya- Raipur (C.G.).
2. Superintendent of Police, District Mahasamund Chhattisgarh.
3. Station House Officer of Police Station Khallari, Dist.- Mahasamund Chhattisgarh.
4. Meenakshi Tiwari, wd/o of Manoj Tiwari, R/o Near Purana Haddi Godam, Opp.- Sonkar Tailor Shop, Ward No. 5, Nayapara, Mahasamund Tehsil and Dist- Mahasamund Chhattisgarh.

Permanent Resident of Behind Government ospital, Opposite of R.I. Office, Khariyar Road, Nayapara, Dist.- Nayapara, Odisha.

---- Respondents

For petitioner	: Mr. Pallav Mishra, Advocate
For State	: Mr. Gurudev I. Sharan, G. A.

Hon'ble Shri Justice Narendra Kumar Vyas**Order on Board****25/06/2021**

1. The petitioner has filed the instant petition contending that her son namely Manoj Tiwari, who was Head Constable at Chhattisgarh Police, married to one Meenakshi Tiwari, respondent No. 4 herein and out of their wedlock, three children were born. There is some matrimonial dispute between his son and respondent No. 4 due to which they are living separately. The respondent No. 4 has withdrawn the amount from the Service (salary) Account of Manoj Tiwari and gave all those cash to her parents.

2. It is also submitted that on 20.08.2020 the petitioner's son- Manoj Tiwari died on a dubious condition as the reasons for his death were not known to the petitioner. Thereafter, the petitioner has filed a complaint with regard to assault made by the wife of Manoj Tiwari over the deceased and in-laws of the deceased, but the Police had not taken any action on the complaint made by the petitioner.

3. This Court vide order dated 04.01.2021 issued notice to respondent No. 1 & 3, who in turn, filed reply to the writ petition mainly contended that they have investigated the matter and it has been found that there is no substance in the submission made by the petitioner. On the contrary, son and daughter of the deceased have deposed that their father used to take alcohol despite objections raised by the family members and as per the FSL Report dated 11.01.2021, some reddish fluid was found in the stomach of deceased, which was not normal fluid as the doctor was unable to detect it and the final report has also been annexed with the return R/3 where it has been opined that death is caused due to consuming ethyl Alcohol poisoning,

4. From perusal of documents annexed with the petition and the report of FSL, it is quite clear that the cause of death of the deceased is due to ethyl Alcohol poison as evident from the finding recorded in the PM report dated 20.8.2020, as such no offence has been registered by the Police and it has also been contended that the investigation is still going on and sincere effort have been made in collecting the evidence.

5. In view of the submission of the State counsel, nothing is required for adjudication of this Case. However, liberty is reserved in favour of the petitioner that, if any exigency so arrived, she may take suitable legal remedies including filing of complaint under Section 200 of Cr.P.C.

6. Accordingly, the instant petition is disposed of with the aforesaid liberty.

Sd/-

(Narendra Kumar Vyas)
Judge