



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.12104 of 2021

R.Kannan

.. Petitioner

Vs.

1.The State represented by
The Superintendent of Police,
Kallakurichi District.

2.The Inspector of Police,
Kallakurichi,
Kallakurichi District.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to issue directions, directing respondent police to register FIR, on the basis of the complaint lodged by the petitioner on 02.04.2021.

For Petitioner : Mr.M.Muruganantham

For Respondents : Mr.A.Damodaran
Government Advocate (Crl. Side)

O R D E R

This Criminal Original Petition is filed to issue directions, directing the respondent police to register FIR, on the basis of the complaint lodged by the petitioner on 02.04.2021.

2.The petitioner had lodged a complaint to the Superintendent of Police, Kallakurichi District on 02.04.2021, raising certain doubts with regard to non-conducting of the post-mortem on the body of the petitioner's brother viz. Sasikumar and suspect the act of the Sasikumar's wife viz. Kala and her relatives.

3.The contention of the petitioner is that the petitioner's brother viz., Sasikumar was a wholesale seller of fruits and vegetables in Koyambedu Market and also doing Real Estate and Finance Business in Chennai. He earned good money and acquired



8. From the enquiry it is revealed that the deceased while he was travelling from Salem to Chennai on 30.03.2021, at about 04.10 p.m. he had chest pain and felt breathlessness, immediately he was taken to the Med Care Medical Shop at Kacharapalayam Road, Kallakurichi and asked for medicine. The shop keeper refused to give medicine without valid prescription. The Doctor in Chennai who earlier treated was contacted for getting medicines. Thereafter the deceased was taken to the nearest Hospital viz., Annai Medical Centre, Thiyagaduram Road. Dr.T.S.Dilip Kumar, Duty Doctor, examined the deceased and reported that the patient was found unconscious, pupils dilated not reacting, ECG showed flat line, no heart beat, hence death declared. Further Dr.T.S.Dilip Kumar informed that since the petitioner's brother was already a cardiac patient. due to cardiac arrest the death occurred and thereafter, advised to take the body to the Kallakurichi Government Hospital. The body was kept in mortuary. The wife of the deceased informed and she came there and gave a letter along with the medical records, where previously the deceased was treated for heart problem at Palani Heart Care Centre, Virugambakkam, Chennai. Further the Doctor at Chennai with whom the deceased earlier took treatment was contacted, verified, who confirmed the same. Thereafter on the specific request of the Kala wife of the deceased the body was handed over to her without post-mortem, based on the medical records produced and enquiry made with the Doctors at Chennai and Kallakurichi. The reason for death confirmed, as heart attack, hence, there was no doubt or suspicion.

9. Police Standing Order states that if a person died under circumstances raising a reasonable suspicion that some other person has committed an offence. In this case there was no suspicion on cause of death and the death had occurred due to cardiac arrest and the deceased was a cardiac patient.

10. For some other reason the petitioner is making the complaint and now the case has been registered under Section 174 Cr.P.C. in Crime No.602 of 2021 and the investigation is in progress. On completion of investigation final report would be filed and the grievance of the petitioner would be considered.

11. Considering the submissions and on perusal of the materials it is seen that in this case initially CSR.No.602 of 2021 was registered, on receipt of the current papers from the Superintendent of Police summons were issued to the petitioner as well as the persons suspected by the petitioner and they were examined on 19.07.2021. Thereafter now FIR in Crime No.602 of 2021 registered and investigation is in progress. The petitioner to approach the respondent police, express his grievances, doubts along with materials, the respondent police



thereafter conclude the investigation and to file a final report in this case.

12. With the above observation, this Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar (CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Kallakurichi District.
2. The Inspector of Police,
Kallakurichi,
Kallakurichi District.
3. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.M.Muruganantham, Advocate, Sr.No.41253

Cr1.O.P.No.12104 of 2021

KSM (CO)
CT (08/09/2021)