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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.15034 OF 2021

J.Ganesan

... Petitioner

Versus

1. The Deputy Superintendent of Police,
Bhavani.
2. The Inspector of police,
Bargur Police Station,
Erode District.
(Crime No.39/2021)
3. The Inspector of Police,
CBCID,
Erode District.

... Respondents

PRAYER:-

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to transfer the investigation of the case in Crime No.39 of 2021 on the file of 2nd Respondent herein to the 3rd Respondent/CBCID Police and to file a final report within time limit to be fixed by this Hon'ble Court.

For Petitioner : Mr.B.Gopalakrishnan

For Respondent : Mr.A.Damodaran
Government Advocate (Crl.side)

ORDER

(This case has been heard through Video Conference)

The petitioner, father of the deceased Thirisooli lodged a complaint on 21.05.2021. Initially, a case under Sec.174 of Crl.P.C. came to be registered and so far, the case has not been



altered and the petitioner is not aware what is the stage of investigation. According to the petitioner, the 2nd respondent is not conducting proper investigation and therefore, he sought for transfer of the investigation.

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2. The gist of the complaint is that on 21.05.2021, the petitioner herein had approached the 2nd respondent police and informed that he along with his wife and his son are residing at 156, Pattepalayam, Kongkadai, Bargur Village. He has got three daughters and all the three daughters are given in marriage and the youngest daughter, 3rd daughter Thirisooli was given in marriage to one Murugesan of Periyasengulam. Thereafter, she has been living with her inlaws. One week prior to 21.05.2021, the petitioner's father Javarayakavudar passed away, which was informed to his youngest daughter Thirisooli, who along with her husband attended the funeral and thereafter, stayed for a day and next day, they have gone for their regular work. Thereafter, they came and attended the ritual and on that day, they have also stayed. Later, his son-in-law Murugesan insisted his daughter to accompany him and get back to their native. The deceased Thirisooli wanted to stay two or three days, against her wish, she was taken to inlaws house. On 21.05.2021, at about 06.00 hours, he received a message that his daughter committed suicide. Immediately, the petitioner rushed along with family members and found body in laid down position and he was informed that his daughter committed suicide using thuppattah. Hence, he has lodged a complaint. Thereafter, the petitioner had received various informations about his daughter, she being constantly harassed demanding dowry and also physically assaulted. This information, he gathered later from the family members and relatives. Hence, he sent a representation on 28.06.2021 to the Chief Minister's cell, Director General of Police, District Collector, Revenue Divisional Officer and to the 2nd respondent police. But, no action has been taken. In the complaint dated 28.06.2021, he has specifically mentioned that there was injury mark on the left leg. Further, the place in which his daughter committed suicide is a low levelled hut house, hence it is not possible to hang herself. The ligature mark in the neck appeared to be caused by using a rope. The petitioner had requested to conduct postmortem and record the same by video, which was refused. Further, the Revenue Divisional Officer, during enquiry had obtained signature in blank paper and he has not properly enquired. When the signature was sought from the petitioner, he refused to sign before the Revenue Divisional Officer. The petitioner had sought for burying the body of his daughter, but the Police Inspector insisted that the body to be burnt. Hence, he has got suspicious in the matter, in which the investigation has been conducted and his daughter would have been murdered for the purpose of demand of dowry.



3. The learned Government Advocate (crl.side) today produced the Revenue Divisional Officer enquiry report dated 02.07.2021 and postmortem certificate issued by the Senior Assistant Surgeon, Government Hospital, Anthiyur. He would further submit that the petitioner's complaint dated 28.06.2021 has been addressed to the 2nd respondent Police and after receipt of complaint, the 2nd respondent has gone to his residence, enquired him and also explained to him about the investigation. Further, the final report seems to be filed within a period of two months.

4. Heard the submissions of either side and perused the records carefully.

5. From the Revenue Divisional Officer's report, it is seen that the petitioner has reiterated what he has stated in the complaint. From the postmortem certificate, it is seen that a ligature mark of 24 cm extended from the right side back of neck to front left side neck, breadth about 2 cm present. Skin over ligature mark congested. No other external injuries and internal injuries leading to any suspicion of murder or death by other means. In view of the same, this Court finds that the investigation has been proceeding in the proper direction, almost the investigation has been completed and final report to be filed before the trial Court.

6. Considering the submissions and on perusal of the materials, the investigation is proceeding in the right direction. The Revenue Divisional Officer's report and postmortem certificate confirms to the case of the prosecution. The 2nd respondent Police is directed to file final report on enquiring the petitioner and serve the copy of the same to the petitioner. If the petitioner agrived about the same, he can file appropriate petition to seek his remedy. In view of the same, transfer of the investigation is not required. Hence, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rpp/gd

To

1. The Deputy Superintendent of Police,
Bhavani.



2. The Inspector of police,
Bargur Police Station,
Erode District.

3. The Inspector of Police,
CBCID,
Erode District.

4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.B.Kumarasamy, Advocate, S.R.No.43994

CRL.O.P.NO.15034 OF 2021

SS (CO)
PBS/22/09/2021