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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL.O.P No.29554 of 2018

Jayaselan

...Petitioner

Vs.

1. State Rep. by
The Deputy Superintendent of Police,
Karuthampatti Circle,
Coimbatore District.
2. The Inspector of Police,
Kovilpalayam Police Station,
Coimbatore District.
(Second respondent is impleaded
as per the order of this Court dated
01.02.2019 made in Crl.MP.No.1745 of 2019)
3. The Correspondent,
SNS Engineering College,
Kurumbalayam,
Coimbatore.
(Third respondent is impleaded
as per the order of this Court dated
26.08.2019 made in Crl.MP.No.11862 of 2019)

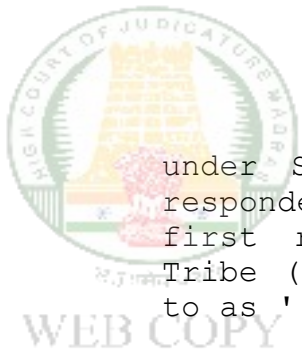
.. Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the respondent to alter FIR No.206 of 2017 on the file of the Inspector of Police, Kovilpalayam under SC and ST Act read with Section 302 of IPC and further direct to the respondent to file charge sheet within stipulated time may be fixed by this Court.

For Petitioner : Mr.C.Girish Babu
For Respondent 1 & 2 : Mr.A.Gopinath
Government Advocate (Crl. side)

ORDER

This is a rather individual case wherein a father, has lost his teen age son studied in an Engineering College. This Original Petition is invoking the jurisdiction of this Court



under Section 482 of Cr.P.C. to issue a direction upon the respondent police to alter the FIR lying on the file of the first respondent Police under Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act 1989 (hereinafter referred to as 'SC and ST Act') read with Section 302 of IPC.

2. The facts of the case in short are as follows:

The petitioner belongs to SC community and he had two male children. Further, his second son, the deceased was a student of Engineering Course at SNS Engineering College, Coimbatore and his son, often informed him that he was subjected to harassment because of his caste. The petitioner took up the issue to the college authorities and the matter was resolved later. However, the harassment continued thereafter. On 19.08.2017, at about 07.15 a.m., the petitioner got a call from the college authorities that his son was laying in an unconscious stage. The petitioner rushed to the hospital, where his son was admitted. Later, The petitioner was informed that his son died and that he seems to have committed suicide. Subsequently, the petitioner has lodged a complaint before the respondent police. The respondent has also registered a case under Section 174 Cr.P.C. Thereafter, inaction on the part of the respondent police, which compelled the petitioner to knock the doors of this Court by way of this original petition filed under Section 482 of Cr.P.C. in CrI.OP.No.21692 of 2017. This Court, vide order dated 07.08.2017, disposed of the said petition with a direction directing the Deputy Superintendent of Police in charge of Kovilpalayam Police Station, Coimbatore to monitor the investigation pertains to the crime in FIR No.206 of 2017 and take effective steps to expeditiously complete the investigation. After completion of the investigation, the police shall inform the outcome of the investigation to the defacto complainant. Since the petitioner did not get any information about the investigation in respect of his complaint, as per the directions issued by this Court, thereafter, he has filed the present original petition seeking a direction to the respondent police to register a case under SC and ST Act read with 302 IPC.

3. I have heard the learned counsel on either side and perused the materials available on record.

4. The Inspector of Police, Kovilpalayam Police Station, Coimbatore has filed a status report dated 19.08.2017 stating that as per the directions of this Court, the then Inspector of Police examined Dr.S.Peranandham, M.D., Coimbatore Medical College Hospital, Coimbatore, and obtained post-mortem certificate and final opinion dated 03.10.2017, which reads as follows:-



'On consideration of the case history and correlating them with post-mortem findings the death due to any imperceivable natural cause if suggested cannot be ruled out.'

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5. Based on the post-mortem report given by the Doctor, the Police have brought further action and a copy of the Referred Charge Sheet (RCS) was served on the petitioner by way of affixture on 13.01.2019. The Inspector of Police has stated that the investigation was carried out and further action was dropped only on the basis of conclusion arrived at by the Doctor, who conducted post-mortem. There is absolutely no need or necessity for altering the FIR and conducting reinvestigation.

6. This Court is not inclined to accept the manner in which the referred charge sheet was served upon the petitioner by way of affixture. In fact, the petitioner has lost his teenage son. He is fighting for truth and the real cause for the death of his deceased son, but the respondent police claims that the Doctor has opined that the death due to some natural cause. The least which is expected from the Investigating Officer that the referred charge sheet to be served on the petitioner and not by way of affixture. The petitioner has a legal remedy by way of filing a protest petition against the referred charge sheet. This Court is dissatisfied with the manner in which the referred charge sheet served on the petitioner.

7. The respondent police are directed to serve the referred charge sheet on the petitioner immediately within a period of two weeks from the date of receipt of a copy of this order. The petitioner is at liberty to pursue his remedy in the manner known to law.

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

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Deputy Superintendent of Police,
Karuthampatti Circle,
Coimbatore District.

2. The Inspector of Police,
Kovilpalayam Police Station,
Coimbatore District.

Copy to:

The Public Prosecutor,
High Court, Madras

+1CC to Mr.K.Govi Ganesan, Advocate, Sr.No.45657

CRL.O.P No.29554 of 2018

GJ (CO)
K.RK. (26.10.2021)