



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2021

CORAM :

THE HONOURABLE **Mr. JUSTICE G.ILANGOVA**

Crl.OP(MD).No.4882 of 2021

T.Baby Selvan

... Petitioner

Vs.

1. The Superintendent of Police,
Kanniyakumari District.

2. The Deputy Superintendent of Police,
Nagercoil,
Kanniyakumari District.

3. The Inspector of Police,
Ethamozhi Police Station,
Kanniyakumari District.

... Respondents

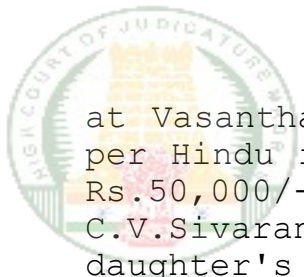
Prayer : Criminal Original Petition is filed under Section 482 of Cr.P.C, directing the first respondent to transfer the investigation in respect of F.I.R in Crime No.280 of 2020 under Section 174(3) of IPC on the file of the third respondent police to some other independent agency or competent officer other than the third respondent and investigate the matter and file final report within stipulated time as this Court may deem fit and proper in the facts and circumstances of the case.

For Petitioner : Mr.M.Murugesan
For Respondents : Mr.K.Suyambulinga Bharathi,
Government Advocate, (Crl.Side)

ORDER

This Criminal Original Petition is filed seeking a direction to the first respondent to transfer the investigation in respect of F.I.R. in Crime No.280 of 2020 under Section 174(3) of IPC on the file of the third respondent police to some other independent agency or competent officer other than that third respondent and investigate the matter and file the final report within stipulated time as this Court may deem fit and proper in the facts and circumstances of the case.

2. The case of the petitioner is that he has two daughters. Her elder daughter Sujitha was married to C.V.Sivaranjith on 01.11.2019



at Vasantha Mahal in Mukilanvilai in the presence of the elders as per Hindu rites. At the time of marriage, 17 sovereigns of gold and Rs.50,000/- were given as gift to the parents of the above said C.V.Sivaranjith. After few days from the date of marriage, his daughter's husband, her father in law Chelladurai, mother in law Vasantha and her co-sister Sivaranjani harassed his daughter for additional dowry and abused her with filthy language. The said harassment was informed to him by his daughter over phone. C.V.Sivaranjith has illicit intimacy with one Anitha and he insulted his daughter Sujitha. When his daughter reprimanded about the illicit intimacy, C.V.Sivaranjith threatened his daughter. C.V.Sivaranjith also threatened that he is going to live with Anitha. When his daughter Sujitha informed about the same, he convinced her. The said C.V.Sivaranjith and his family attempted to murder his daughter by stabbing her. He and his brother's son Suyambulingam have taken his injured daughter to the Ganesa Hospital. Immediately, his daughter's husband requested not to prefer any complaint to the police since the prestige of their family will be affected. Due to harassment and torture, his daughter committed suicide on 05.10.2020. Hence, he preferred a complaint to the third respondent police and on the basis of the complaint, the third respondent police registered an F.I.R in Crime No.280 of 2020 under Section 174(3) of IPC on 05.10.2020, the third respondent police have not taken any action in that regard. He apprehends that fair justice will not be rendered to his daughter's death if the third respondent proceeds with the investigation. Hence, he filed this petition.

3. The learned Public Prosecutor would submit that the report obtained from the Revenue Divisional Officer dated 11.11.2020 is placed before this Court, wherein prima facie it shows that there was a dowry demand from the in laws of the deceased. She has not brought any dowry, even though, the husband did not demand any dowry. A case in Crime No.280 of 2020 has been registered and it is pending on the file of the Superintendent of Police, Kanyakumari District and the offence is altered to offence under Section 306 I.P.C.

4. In view of the above, this Criminal Original Petition stands dismissed. No question of transfer of investigation is necessary and possible.

Sd/-

Assistant Registrar (CS-I)

// 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.

WEB COPY

To

1. The Superintendent of Police,
Kanniyakumari District.
2. The Deputy Superintendent of Police,
Nagercoil,
Kanniyakumari District.
3. The Inspector of Police,
Ethamozhi Police Station,
Kanniyakumari District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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RK (23.08.2021) 3P 5C