



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 03.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE G. ILANGOVAN

Crl.O.P. (MD)No.9967 of 2021

WEB COPY

J.Saraswathy

... Petitioner

Vs.

1.The Director General of Police,
Dr.Radhakrishnan Salai Road,
Mylapore,
Chennai-600 004.

2.The Inspector General of Police,
Madurai South Zone,
Madurai.

3.The Superintendent of Police,
Dindigul District,
Dindigul.

4.The Inspector of Police,
Ambathurai Police Station,
Dindigul District.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondents 1 to 3 to transfer the investigation in respect of the FIR in Crime No.36 of 2021 dated 17.02.2021 on the file of the fourth respondent to the higher officials or some other agency to investigate the case in accordance with law.

For Petitioner : Mr.Anandharaj

For Respondents : Mr.R.M.Anbunithi

Additional Public Prosecutor

ORDER

This petition has been filed seeking direction to direct the respondents 1 to 3 to transfer the investigation in respect of the FIR in Crime No.36 of 2021 dated 17.02.2021 on the file of the fourth respondent to the higher officials or some other agency to investigate the case in accordance with law.



2.The facts of the case is as follows:-

The petitioner is having one son and one daughter namely Soundarya and she has completed the MCA Master Degree in PSNA College, Dindigul District. The petitioner's daughter fell in love with one Gopala Krishnan, who was working as a conductor. Thereafter, their marriage was performed with both sides consent and marriage held on 31.08.2020 at Mottanampatti Village. At the time of marriage 30 sovereign jewels and other household utensils were given to the petitioner's daughter as Dowry. Again the petitioner has demanded for dowry to a tune of 3 ½ lakhs for their debt, the petitioner paid Rs.1 lakh on 10.09.2020. During the time of Diwali, they also demanded a sum of Rs.5,000/- and received at the instances of Nagaraj, who is the cousin of the petitioner's daughter husband and other family members, the petitioner's daughter was very much suffered. The petitioner's daughter was 4 months pregnant and on 04.02.2021 she got fainted and admitted in a private Hospital, at the time also the said Nagaraj scolded the petitioner's daughter in a filthy language in front of the petitioner's family, which caused mental agony and depression. On 06.02.2021, the petitioner's daughter husband has scolded and instigated the petitioner's daughter either abort the baby in the womb itself or go and die, if failed to get dowry. Due to which, the petitioner's daughter committed self immolation at about 7.45 pm, on the very same day she admitted in the private hospital and thereafter she succumbed to injuries on 16.02.2021. During the treatment period, the Judicial Magistrate came and taken the Dying Declaration. The RDO did not properly recorded the statement of the petitioner's daughter.

3.The case was initially registered under Section 174(3) of IPC and thereafter altered to 306 of IPC. The petitioner states that the investigation is not properly done by the respondent. Therefore, the petitioner made a representation on 26.04.2021 for proper investigation. Till now, the representation has not been considered. Hence, the present petition has been filed.

4.Heard both sides.

5.The learned counsel for the petitioner would submit that due to continuous demand of dowry, the petitioner's daughter committed suicide.

6.The status report was filed by the learned Additional Public Prosecutor, wherein it is stated that the investigation is properly undertaken and 17 witness have been examined and filed a final report on 05.05.2021 and the same was presented before the learned Additional Mahila Judge, Dindigul on 27.07.2021. In the

<https://hccpc.ecourtsonline/hccpc/ncs/> 26.07.2021 this Court granted interim stay,



therefore, the final report was returned back to the concerned officials. During the Course of enquiry, it was found by the RDO that there was no dowry harassment made.

7. According to the petitioner due to continuous harassment she was forced to commit suicide.

8. On perusal of the dying declaration, recorded by the learned IV th Judicial Magistrate, it is seen that she has stated that because of the continuous torture she was mentally disturbed and intended to commit suicide.

9. It appears that there was no dowry demand. Since investigation has been completed and final report is also presented before the concerned Court and returned back by the first respondent, at this length of time, the transfer of investigation is not proper. So, the petitioner can very well approach the concerned Court for proper remedies and seek further investigation.

10. Considering the facts and circumstances of this case, this Court directs the petitioner to approach the concerned Court namely the learned Additional Mahila Court, Dindigul for getting proper remedy and the second respondent is directed to re-present the final report before the learned Additional Mahila Court, Dindigul within 15 days from the date of receipt of copy of this order.

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

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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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.



To

1.The Additional Mahila Court, Dindigul

2.The Director General of Police,
Dr.Radhakrishnan Salai Road,
Mylapore,
Chennai-600 004.

3.The Inspector General of Police,
Madurai South Zone,
Madurai.

4.The Superintendent of Police,
Dindigul District,
Dindigul.

5.The Inspector of Police,
Ambathurai Police Station,
Dindigul District.

6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.ANANDHARAJ, Advocate (SR-28239[F] dated 06/09/2021)

Crl.O.P. (MD)No.9967 of 2021
03.09.2021

NA(CO)

SB(17.09.2021) 4P 8C