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Cr1 O.P. (MD) No. 18798 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2021

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Cr1 O.P. (MD) No. 18798 of 2021

and

Cr1 MP (MD) No. 10421 of 2021

A. Dhanalakshmi

... Petitioner/Defacto complainant

Vs.

1. The Superintendent of Police,
Office of the Superintendent of Police,
Theni District.

2. The Deputy Superintendent of Police,
Bodi Sub-Division, Bodinaickanur,
Bodinaickanur, Theni District.

3. M. Selvakumar

4. S. Muthukalai

5. M. Yasothai

6. M. Ganesan

7. G. Kala @ Kalaiselvi

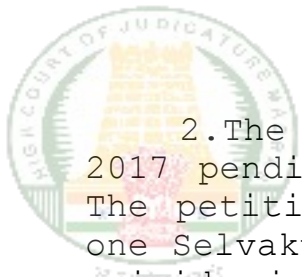
8. M. Sivan @ Sivajothi ... Respondent Nos. 3 to 8 /
Accused Nos. 1 to 6

Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the second respondent to initiate proceedings as contemplated under Sub-section (8) of Section 173 of Cr.Pc before the learned trial court and to conduct further investigation in this regard, with regard to the Crime No. 942 of 2015 on the file of Bodi Town Police Station in S.C No. 69 of 2017 pending on the file of the learned Fast Track Mahila Court, Theni.

For Petitioner	: Mr. C. M. Arumugam
For Respondents	: Mr. T. Senthilkumar,
R1 & R3	Additional Public Prosecutor

ORDER

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for R1 and R2. <https://hcservices.ecourts.gov.in/hcservices/> Considering the nature of relief to be granted, issuance of notice to R3 to R8 is dispensed with.



2.The petitioner is the defacto complainant in S.C No.69 of 2017 pending on the file of the Fast Track Mahila Court, Theni. The petitioner's daughter, namely, Devi was given in marriage to one Selvakumar on 30.04.2015. The petitioner's daughter committed suicide in the petitioner's house on 24.12.2015 at about 08.30 A.M. In this regard, Crime No.942 of 2015 was registered on the file of the Bodi Town Police Station under Section 174 of Cr.PC. Investigation was undertaken and final report was filed. The case was taken cognizance under Section 304 II of IPC and committed to the Sessions Court. At this stage, this petition has been filed for directing the second respondent to conduct further investigation.

3.As rightly contended by the learned Additional Public Prosecutor, it is not possible to order further investigation at this point of time. Admittedly, the occurrence took place way back in December 2015. Final report was filed and cognizance was also taken in the year 2017 itself. Trial has commenced and it has also been concluded. As many as ten witnesses have been examined. Obviously, no purpose will be served in ordering further investigation.

4.At the same time, one basic apprehension expressed by the petitioner will have to be addressed. It appears that the rope used by the deceased for committing suicide was not recovered. The petitioner's daughter died in the petitioner's house. The specific stand of the prosecution is that she committed suicide. Therefore, non-recovery of rope will not really affect the case. In this regard, the Executive Magistrate who held the inquest has also been examined. He had also stated that the deceased committed suicide. The purpose of marking the inquest report is primarily to ascertain the cause of death. Non-recovery of rope used for hanging will not convert the case into one of murder.

5.With this observation, this criminal original petition is disposed of. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

skm

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, <https://hccs.courts.madras.gov.in/> that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



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To

1. The Judge,
Fast Track Mahila Court, Theni.
2. The Superintendent of Police,
Office of the Superintendent of Police,
Theni District.
3. The Deputy Superintendent of Police,
Bodi Sub-Division, Bodinaickanur,
Bodinaickanur, Theni District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.C.M.ARUMUGAM, Advocate (SR-36950[F] dated
02/12/2021)

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RK(09/12/2021) 3P 6C