



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.12.2021

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.20129 of 2021
and
Crl.M.P.(MD)No.11337 of 2021

Christabel Sudha ... Petitioner

Vs.

1.The Secretary,
Department of Home Affairs,
State of Tamil Nadu,
Fort St.George,
Chennai.

2.The Director General of Police,
No.1, Dr.Radhakrishna Salai,
Mylapore,
Chennai - 600004.

3.The Superintendent of Police,
O/o. The Superintendent of Police,
Kanyakumari District.

4.The Superintendent of Police (South Zone),
O/o. The Superintendent of Police (South Zone),
CBCID, Madurai.

5.The Inspector of Police,
CBCID,
Nagercoil,
Kanyakumari District.

6.The Inspector of Police,
Thuckalay Police Station,
Kanyakumari.
(Crime No.567 of 2021)

7.Saranya ... Respondents

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondent No.3 to withdraw the case in Crime No.567 of 2021 dated 19.07.2021 registered under Section 174 of CrPC on the file of the respondent No.6 and entrust the same to respondent No.4 for an investigation of the case by a competent



officer and file a final report before the jurisdictional Magistrate within the time stipulated by this Court.

For Petitioner : Mr.J.Pandi Dorai
For Respondents : Mr.M.Sakthi Kumar,
Govt. Advocate (Crl. Side) for R1 to

WEB COPY

R6

O R D E R

Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondents 1 to 6. Considering the nature of relief to be granted, issuance of notice to the seventh respondent is dispensed with.

2.The petitioner is the sister of the deceased/Jegathish. The marriage between Jegathish and the seventh respondent took place on 21.06.2021. Jegathish died on 18.07.2021. In that regard, Crime No.567 of 2021 was registered based on the information given by the seventh respondent/Saranya. Postmortem was conducted and the following ante-mortem injuries were noted:-

"1.7 x 4 x ½ cm abraded contusion seen in between the eyebrows.

2.3 x ½ cm abrasion seen over the outer aspect of right angle mouth.

3.Multiple hemorrhagic patches seen over the both arms and over both thighs.

4.1 ½ x ½ cm abrasion seen over the outer aspect of left ankle.

5.7 x 4 x ½ cm contusion seen over the outer aspect of upper to left leg.

6.4 x 2 cm contusion seen in front of lower half of right leg.

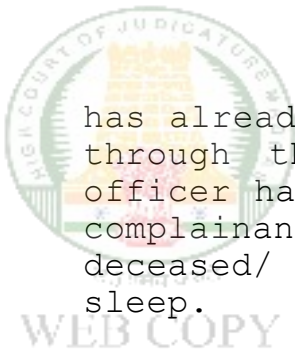
7.20 x 8 cm contusion seen over the outer aspect of right hip.

8.10 x 4 cm contusion seen over back of right side of abdomen.

9.5 x 3 am contusion seen over the right loin.

Above said conditions are reddish in colour."

3.The postmortem doctor reserved his final opinion pending report of the chemical examiner and histopathologist. The petitioner has serious misgivings regarding the manner of investigation by the sixth respondent. For the seventh respondent this was second marriage. It is stated that her first husband allegedly committed suicide by hanging. When this criminal original petition was taken up for admission, the learned Government Advocate (Crl. Side) submitted that the final report



has already been filed closing the case as action dropped. I went through the contents of the final report. The investigation officer has taken as gospel truth the version given by the defacto complainant that the anti-mortem injuries found on the body of the deceased/ Jegathish were sustained as he fell from the cot during sleep.

4.I called upon the learned Government Advocate (Crl. Side) to show me the copy of the final opinion given by the forensic doctor. The case file brought by the police personnel does not have a copy of the final opinion of the forensic doctor. I fail to understand as to how final report could have been filed even without receiving the final opinion.

5.Be that as it may, the manner in which the investigation was conducted and final report was filed as action dropped on 26.08.2021 defies reasons. The learned Judicial Magistrate, Padmanathapuram shall return the final report dated 26.08.2021 dropping further action in Crime No.567 of 2021. The Superintendent of Police, Kanyakumari District is directed to withdraw the case file from the sixth respondent and entrust the same to some other police officer.

6.This criminal original petition is allowed accordingly. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

ias

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 Judicial Magistrate, Padmanabhapuram.

2.The Secretary,
Department of Home Affairs,
Fort St.George,
Chennai.



3.The Director General of Police,
No.1, Dr.Radhakrishna Salai,
Mylapore,
Chennai - 600004.

4.The Superintendent of Police,
O/o. The Superintendent of Police,
Kanyakumari District.

5.The Superintendent of Police (South Zone),
O/o. The Superintendent of Police (South Zone),
CBCID, Madurai.

6.The Inspector of Police,
CBCID,
Nagercoil,
Kanyakumari District.

7.The Inspector of Police,
Thuckalay Police Station,
Kanyakumari.

8.The Additional Public prosecutor,
Madurai Bench of Madras High Court, Madurai

+1 CC to M/s.T.PANDI DORAI, Advocate (SR-39384[F] dated 17/12/2021
)

Crl.O.P (MD) No.20129 of 2021
17.12.2021

SAR(CO)
AP(12.01.2022) 4P 10C