



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.792 of 2022

V.Ranganathan

... Petitioner/Defacto
Complainant

Vs.

1. The District Superintendent of Police,
Villupuram District,
Villupuram.

2. The Inspector of Police,
Sathiyamangalam Police Station,
Sathiyamangalam,
Villupuram District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the second respondent to transfer the Investigating of the case in Crime No.427 of 2021 to some other Investigating Agency such as CBI or CB CID or any other independent investigating agency for proper and necessary action against the culprits.

For Petitioner : Mr.C.Munusamy

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the second respondent to transfer the Investigating of the case in Crime No.427 of 2021 to some other Investigating Agency such as CBI or CB CID or any other independent investigating agency for proper and necessary action against the culprits.

2.The grievance of the petitioner is that his wife was attacked brutally on 10.08.2021 by her sister's husband one Sekar who was in a drunken stage attacked and kicked the petitioner's wife in her stomach indiscriminately, further using a stick assaulted on her shoulder and chest and case was registered in FIR No.404 of 2021, under Sections 294(b), 323, 324 and 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002. When his wife Janaki was taking treatment as inpatient in Gingee Government hospital, on 14.09.2021, his wife died due to the injuries sustained



earlier, for which complaint was lodged in FIR No.427 of 2021 for the offences under sections 174 Cr.P.C. by the respondent police, but no action has been taken. The accused has been let out scot-free and the cause of death is due to the assault made by the said Sekar. The petitioner's wife got discharged on 16.8.2021 after the earlier assault on 12.08.2021, but, thereafter she developed severe stomach pain and died. The proximate reason for the death is the attack made by Sekar. The respondent police for the reasons best known to them registered two separate FIR and projected two different cases. According to the petitioner, the death of his wife is due to the attack by Sekar on 10.08.2021. In view of the same, crime No.404 of 2021 ought to have been altered to an offence of murder and the assailant to be arrested. This vital fact has been lost sight and two separate FIR was filed by the respondent police. In view of the same, the petitioner made representation to the first and second respondents but no action has been taken and hence, the petitioner has filed this above petition.

3. The learned Additional Public Prosecutor on instructions submits that for the incident that took place on 10.08.2021, FIR No.404 of 2021 has been registered and another FIR No.427 of 2021 has been registered for the incident that took place on 14.09.2021. The respondent police had rightly registered two cases. He further submitted that now, after verification of the medical records and discharge summary, if the cause of death of the petitioner's wife is found to be the immediate cause of death due to the injuries caused by the assailant on 10.08.2021, necessary action would be taken.

4. Recording the same, this criminal original petition is disposed of.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sli

To

1. The District Superintendent of Police,
Villupuram District,
Villupuram.

2. The Inspector of Police,
Sathiyamangalam Police Station,
Sathiyamangalam,
Villupuram District.



3. The Public Prosecutor,
High Court, Madras.

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GPL (CO)
CT 15/02/2022