



WP(MD)No.1497 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **14.09.2022**

CORAM

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

W.P.(MD)No.1497 of 2019

and

W.M.P(MD).No.1291 of 2019

R.S.Shiniy

... Petitioner

/Vs./

- 1.The Director General of Police,
Radhakrishnan Salai,
Chennai.
- 2.The Superintendent of Police,
Karur, Karur District.
- 3.The Deputy Superintendent of Police,
Karur, Karur District.
- 4.The Inspector of Police,
CBCID, Karur District.

... Respondents

PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of impugned closer report by the third respondent in his proceedings dated 30.03.2018 in C.N.No.162/SP Camp/Pet/KKR/2018 NRC.57/SP Camp/SDOP/KRR/2018 and quash the same as illegal and arbitrary and consequently direct the fourth respondent to reinvestigate.



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For Petitioner : Mr.M.Subash Babu
For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor.

ORDER

This writ petition was filed challenging the closure report of the third respondent through proceedings dated 30.03.2018 and for a consequential direction to the fourth respondent to register an FIR and to investigate the case in accordance with law.

2.The sum and substance of the case of the petitioner is that her husband died due to suspicious circumstances and the petitioner suspects her in-laws to be involved and to be the cause of the death and the grievance of the petitioner is that the entire case was hushed up and it was closed even without registering an FIR under Section 174 of Cr.P.C. Hence, the petitioner has knocked the doors of this Court seeking for appropriate directions.

3.Heard Mr.M.Subash Babu, learned counsel appearing for the petitioner and Mr.A.Thiruvadikumar, learned Additional Public Prosecutor, appearing for the respondent Police.



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4.This Court has carefully considered the submissions made on either side and the materials placed on records.

5.It is seen from the records that based on the complaint given by the petitioner, the Deputy Superintendent of Police, Karur, was made as an Enquiry Officer and he had enquired and recorded the statements of nearly six persons. The Officer had also considered the medical condition of the deceased and certificate issued after his demise and had come to a conclusion that the death did not take place due to any suspicious circumstances.

6.The petitioner is under the impression that the death of her husband was orchestrated by her in-laws. However, it is seen that the husband of the petitioner seems to be an alcoholic and the same has caused a very serious impact on his health condition and his mental condition. The enquiry report shows that he was also suffering from delusion and hallucination due to excess drinking.

7.In the considered view of this Court, just because the petitioner suspects the death of her husband, the same will not automatically lead to registering an FIR under Section 174 Cr.P.C. This is not a case where the



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complaint was closed without an enquiry. In this case, a detailed enquiry was conducted and the statement made by the concerned persons was considered and medical records were taken into consideration and ultimately, it was found that there was no suspicious death. In view of such findings, there is no scope for registering an FIR under Section 174 Cr.P.C.

8. On carefully going through the materials and the enquiry report, this Court does not find any apparent illegality or strong materials to order for any further investigation in this case. To ascertain the cause of death at this stage once again will be near to impossible, since no re-postmortem is possible. Even if an enquiry is ordered, it will not yield any result. This Court is of the considered opinion that no further enquiry or investigation is required in the present case and there is no ground to interfere with the closure report of the third respondent.

9. In view of the above discussion, this Writ Petition stands disposed of.
No costs.

14.09.2022

Internet : Yes/No
Index : Yes/No
Rmk



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To

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CBCID, Karur District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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N.ANAND VENKATESH, J.,

Rmk

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