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Crl.O.P.(MD) No.21246 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2022

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.21246 of 2022

Punidha

...Petitioner

VS

**1. The Inspector General of Police
Central Zone, Trichy**

**2. The Superintendent of Police
Thanjavur District**

**3. The Inspector of Police
Pattukottai Police Station,
Thanjavur District**

...Respondents

(R1 is *suo motu* impleaded vide order of this Court, dated 02.12.2022 and the original respondents are re-arranged accordingly)

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the second Respondent police to expedite and complete the investigation and to file a final report in Crime No.63 of 2018 within the time stipulated by this Court.

For Petitioner : Mr.S.Venkatesan

For R1 and R2 :Mr.R.Sureshkumar

Government Advocate(Crl.Side)



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ORDER

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This Criminal Original Petition had been filed to direct the third Respondent police to expedite and complete the investigation and to file a final report in Crime No.63 of 2018 within the time stipulated by this Court.

2. The learned Counsel for the Petitioner submitted his arguments on 01.12.2022. After hearing the arguments of the learned Counsel for the Petitioner, the case was adjourned from 01.12.2022 to 02.12.2022.

3. Today, when the case is taken up for hearing, the learned Government Advocate(Crl.Side) would submit that five witnesses had been examined in this case. This Court had summoned the Inspector of Police, Pattukottai Police Station, Thanjavur District to be present before this Court along with CD file. Today Mr. Arulselvan, Sub Inspector of Police, Pattukottai Police Station present before this Court. To the query of this Court to the Sub Inspector of Police, he is unable to answer the whereabouts of the Inspector of Police. On perusal of the CD file it is found that copy of the death summary from Assured Best Care Hospital(P) Limited, Trichy



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treatment details of the same hospital found. Also it is found that there is statement recorded from the deceased women while undergoing treatment.

4. Also it is found that there is recording by the Investigation Officer regarding the names of the persons who had been examined by him as witnesses, whether it was for investigation or on the inquest is not clear. The witnesses who are examined are 1) Punitha W/o. Durairaj (mother of the deceased) 2) Peter Durairaj (father of the deceased) 3) Genria (sister of the deceased) 4) Nickson Raja Rathinam (Husband of the cousin of the deceased) 5) Paul Sahaya Raj (husband of the cousin of the deceased) 6) Panchayatars: a) Selvaraj (56) S/o. Devadas (b) Johns (54) S/o. John (c) Joseph Arockiam (60) S/o. Gnanavicka (d) John Kennedy (54) S/o. Mariya Soosai Nathan (e) Arputharaj (39) S/o. Selvan Raj. Possibly when they have been witnesses to the inquest, on the inquest report is not available. This Court is unable to arrive at conclusion based on mere documents. It is to be noted that the person who is alleged to have committed suicide due to cruelty caused by the husband and in-laws and died in the year 2018. Based on which First Information Report in Crime No.63 of 2018 had been registered for the offence under Section 174(3) of Cr.P.C .



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5. The submission of the learned Counsel for the Petitioner that the Petitioner had been clearly narrated the facts right from the date of marriage till the death of her daughter who is alleged to have committed suicide by consuming rat repellent paste. It is astonishing to see that while undergoing treatment though she was undergoing treatment in the hospital, the Investigation Officer had not recorded dying declaration by requesting the learned Judicial Magistrate . The case was not referred or whether it was referred from the hospital it was not clear only after the death of the women First Information Report had been registered.

6. The entire incident leading to the death of her daughter right from the date of marriage which is available in the First Information Report is also investigated is not proceeded even after four years is found shocking.

7.The Inspector General of Police, Central Zone, Trichy is *suo motu* impleaded as first respondent, considering the subject matter of the adjudication.



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8. The Inspector General of Police, Central Zone is suo motu impleaded as necessary party in this case. The Inspector General of Police, Central Zone, Trichy is directed to withdraw the case in Crime No.63 of 2018 and hand over the same to the officer on his/her own assessment having right aptitude to conduct fair and impartial investigation. Also he/she shall nominate a senior officer not below the rank of the Deputy Superintendent of Police or Additional Deputy Superintendent of Police to supervise the investigation and to conclude the investigation within a reasonable period of three months. Also sufficient time had been wasted by the Investigation Officer, Pattukottai Taluk Police Station.

9. Therefore if there are any lapses on the part of the then Investigation Officer, who was available in that police station from 2018 to till date, who were serving in the Station as the Inspector of Police, Pattukottai Taluk Police Station should be enquired into by the Inspector General of Police, Central Zone and find out if there are lapses and to proceed accordingly with disciplinary proceedings.



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10. With the above direction, the Criminal Original Petition stands disposed of.

02.12.2022

Internet: Yes./No

Index: Yes/no

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To

1. The Inspector General of Police
Central Zone, Trichy
2. The Superintendent of Police
Thanjavur District
3. The Inspector of Police
Pattukottai Police Station,
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SATHI KUMAR SUKUMARA KURUP, J.

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