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W.P.No.21704 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.21704 of 2023

Raman

.. Petitioner

Versus

1. The Superintendent of Police,
Tirupattur Town, Taluk and District.

2. The Inspector of Police,
Kandhili Police Station,
Tirupattur District.

3. The Sub-Inspector of Police,
Kandhili Police Station,
Tirupattur District.

4. Jayaprakash

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the concerned respondents to consider the representation of the petitioner, dated 27.05.2023 and direct the respondents 1 to 3 to change the husband name of wife of the petitioner to the name of the petitioner in the First Information Report in Cr.No.65 of 2022.



W.P.No.21704 of 2023

WEB COPY

For Petitioner : Mr.G.Babu

For Respondents : Mr.A.Damodaran,
Additional Public Prosecutor,
for RR-1 to 3

ORDER

This Writ Petition has been filed for a direction to the respondent Police to consider the representation made by the petitioner on 27.05.2023 wherein the petitioner has requested the respondent Police to recognise him as the husband of the deceased Kaviya.

2. The case of the petitioner is that he married Kaviya on 25.10.2021 at Perumal Temple, Tirupattur district. The said Kaviya left the petitioner on 13.02.2022. Later, the petitioner came to know that his wife Kaviya was traveling in a two wheeler along with one Jayaprakash and the vehicle met with an accident. The petitioner immediately took steps to get his wife admitted in the Hospital and unfortunately, the wife of the petitioner died on 27.02.2022. The fourth respondent seems to have given a complaint to the effect that Kaviya is his wife and that the accident took place when she was



W.P.No.21704 of 2023

traveling along with him in a two wheeler. Based on this complaint, an F.I.R came to be registered in Crime No.65 of 2022.

3. The petitioner made a representation to the respondent Police to alter the name of the husband of Kaviya as Raman instead of Jayaprakash. Since the same was not considered, the present Writ Petition has been filed before this Court.

4. Heard Mr.G.Babu, learned Counsel for the petitioner, Mr.A.Damodaran, learned Counsel for the respondents 1 to 3.

5. In the considered view of this Court, the respondent Police will have to investigate this case only with regard to the negligence and find out as to whether there was rash and negligent act on the part of the accused person in causing the accident which resulted in the demise of Kaviya. Initially, the F.I.R was registered for the offences under Sections 279 and 337 of I.P.C. Later, it was altered to Section 304A of I.P.C after the demise of Kaviya. The respondent Police are not really concerned as to whether the petitioner is the husband of Kaviya or whether Jayaprakash is the husband



W.P.No.21704 of 2023

WEB COPY

of Kaviya. It is completely irrelevant insofar as the respondent Police are concerned. The petitioner claims that he is the actual husband of Kaviya and he was the one who ultimately performed the last rites of his wife.

6. It is made clear that the relationship between the deceased Kaviya *qua* the petitioner and Jayaprakash cannot be determined or ascertained through the investigation done by the respondent Police. Since the deceased Kaviya had traveled along with Jayaprakash in the two wheeler and Jayaprakash claimed that Kaviya is his wife, the respondent Police have recorded that fact in the F.I.R and also in the Final Report after the completion of the investigation. That by itself does not decide as to who is the actual husband of Kaviya and that is beyond the scope of the criminal case that is investigated by the respondent Police. Therefore, it is not necessary for the respondent Police to really act upon the representation made by the petitioner. If in case any dispute arises in future with respect to the relationship of Kaviya, it will be independently decided in the manner known to law by an appropriate forum. The fact that the respondent Police have mentioned Jayaprakash as the husband of Kaviya will not stand in the way of the petitioner to independently establish his marital status with



W.P.No.21704 of 2023

WEB COPY

Kaviya. This clarity will sufficiently take care of the interest of the petitioner.

7. This Writ Petition is disposed off. No costs.

24.07.2023

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

1. The Public Prosecutor,
High Court of Madras.
2. The Superintendent of Police,
Tirupattur Town, Taluk and District.
3. The Inspector of Police,
Kandhili Police Station,
Tirupattur District.
4. The Sub-Inspector of Police,
Kandhili Police Station,
Tirupattur District.



WEB COPY



W.P.No.21704 of 2023

N.ANAND VENKATESH, J.
grs

W.P.No.21704 of 2023

24.07.2023