



*Crl.O.P.No.24569 of 2021
and Crl.MP.No.13553 of 2021*

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2023

CORAM:

THE HONOURABLE Ms.JUSTICE **R.N.MANJULA**

Crl.O.P.No.24569 of 2021

and

Crl.MP.No.13553 of 2021

P.Santhosh Prem Kumar

...Petitioner

-Vs-

1. The Inspector of Police,
All Women Police Station,
Pulianthope, Chennai-600 012.
2. Inspector of Police,
Otteri Police Station,
Cooks Road, Puthuvazhama Nagar,
Jamalia, Chennai-600 012.
3. P.Sundarraaj

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, praying to call for the records relating to the FIR in Crime No.589 of 2020 on the file of the first respondent police and quash the same.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.A.Gopinath

Govt. Advocate (Crl.Side) for R1& R2

Ms.R.C.Varsha for R3



WEB COPY



*Crl.O.P.No.24569 of 2021
and Crl.MP.No.13553 of 2021*

ORDER

This Criminal Original Petition has been filed to call for the records pertaining to the case in Crime No.589 of 2020 on the file of the first respondent Police and quash the same.

2. The petitioner is the son-in-law of the 3rd respondent/*defacto* complainant. The petitioner and the daughter of the 3rd respondent by name Sharmila got married on 29.04.2009 at Chennai and they lived together for two years at Chennai. Thereafter, they shifted their residence to Hyderabad. The petitioner is running his business in fire safety services at Hyderabad. The deceased Sharmila and the petitioner have two children viz., one boy and one girl. As per the complaint of the 3rd respondent, his deceased daughter was subjected to ill-treatment and cruelty by the petitioner immediately after the marriage. He also demanded dowry and caused domestic violence on her on several occasions. In these circumstances, the daughter of the 3rd respondent died on 05.03.2020 at Metro Cure Hospital, Hyderabad. Her body was brought to the 3rd respondent's place at Chennai and her last rites were performed by the 3rd respondent. The 3rd respondent has given a complaint by alleging that the death of his daughter is suspicious



*Crl.O.P.No.24569 of 2021
and Crl.MP.No.13553 of 2021*

WEB COPY

and hence, detailed investigation has to be conducted. In fact, in an earlier order of this Court dated 16.06.2020 made in WP.No.8252 of 2020, a direction has been given to register the FIR on the complaint given by the 3rd respondent under Section 174 Cr.P.C. In compliance of the said direction, FIR has been registered in Crime No.589 of 2020 under Section 174 Cr.P.C and the investigation is pending.

3. Heard the learned counsel for the petitioner, the learned Government Advocate (Crl. Side) appearing for the respondents 1 & 2 and the learned counsel for the third respondent. Perused the entire materials available on record.

4. The learned counsel for the petitioner submitted that the postmortem report of the deceased would show that the death was not due to the effects of Septicemic Shock, but due to incomplete abortion. On the strength of the above report, it is claimed by the learned counsel for the petitioner that the mystery behind the death of the deceased has been solved by the postmortem report and there is no need to keep the case pending against the petitioner.

5. The learned Government Advocate (Crl.Side) appearing for the respondents 1 & 2 submitted that the investigation has almost been



*Crl.O.P.No.24569 of 2021
and Crl.MP.No.13553 of 2021*

WEB COPY

completed and the final report is ready and the opinion of the Additional Public Prosecutor of the District is awaited.

6. The learned counsel for the 3rd respondent submitted that the deceased was admitted in the hospital and she was subjected to mental torture and the petitioner had behaved with her in a violent manner. It is further submitted that the 3rd respondent's daughter was left over in the hospital and the petitioner went to buy pomegranate juice and to give it to her. After 15 minutes, the daughter of the 3rd respondent/deceased got serious and became unconscious and thereafter, she was given with life support in a ventilator and shifted to some other hospital.

7. Even though the postmortem report states that the death of the deceased was caused due to the side effects of the incomplete abortion, the factors, which caused the side effects and septicemic shock cannot be known only from the postmortem report. The medical history of the deceased alongwith the discharge summary and all other factors have to be investigated in a holistic manner before arriving at any conclusion about the nature of the death of the deceased. Since the learned Government Advocate (Crl.side) submitted that the investigation has been completed and



*Crl.O.P.No.24569 of 2021
and Crl.MP.No.13553 of 2021*

the final report has been sent for the opinion of the Additional Public Prosecutor of the District, I feel that it is appropriate to direct the 1st respondent to file a final report within a period of two weeks from the date of receipt of a copy of this order.

8. With the above observation, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petition is also closed.

20.02.2023

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation Case: Yes/No
kmi

To

1. The Inspector of Police,
All Women Police Station,
Pulianthope, Chennai-600 012.
2. The Inspector of Police,
Otteri Police Station,
Cooks Road, Puthuvazhama Nagar,
Jamalia, Chennai-600 012.
3. The Public Prosecutor,
High Court of Madras
Chennai-600 104.



WEB COPY



*Crl.O.P.No.24569 of 2021
and Crl.MP.No.13553 of 2021*

R.N.MANJULA, J

kmi

Crl.O.P.No.24569 of 2021
and
Crl.MP.No.13553 of 2021

20.02.2023