



W.P.No.27486 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 30.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.27486 of 2021

Seenuvasan

... Petitioner

Vs.

- 1.The Home Secretary,
The Chief Secretariat,
St.George Fort, Chennai 600 009
- 2.The Director General of Police,
Office of the Director General of Police,
Dr.Radhakrishnan Road, Mylapore,
Chennai 600 004
- 3.The Director General of Police,
Crime Branch CID,
No.3, SIDCO Electronic Complex,
I Floor, Guindy, Chennai 600 032
- 4.The National Commission for Scheduled Castes,
2nd Floor, Block-5, Shastri Bhawan,
Nungambakkam, Chennai 600 006
- 5.The Superintendent of Police,
District Police Office,
Kallakurichi District 606 202
- 6.The Deputy Superintendent of Police,
District Police Office,
Kallakurichi District 606 202
- 7.The Collector,
District Collectorate,
Kallakurichi 606 202
- 8.The Inspector,
Kallakurichi Police Station,



W.P.No.27486 of 2021

Kallakurichi District 606 202

... Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the second respondent to withdraw the case in crime No.1306 of 2021 on the file of the respondent No.8 and entrust the same to respondent No.3 to complete the investigation and file a charge sheet within the time stipulated by this Court, secondly to respondent No.8 to file an FIR under Section 302, IPC and 3(2) (va) The SC & ST (Prevention of Atrocities) Act, 1989.

For Petitioner : Mr.Arun Kasi

For Respondents

For R1 to 3&5 to 9 : Mr.A.Gopinath,
Government Advocate (Crl.Side)

ORDER

This writ petition has been filed for direction to the second respondent to withdraw the case in crime No.1306 of 2021 on the file of the respondent No.8 and entrust the same to respondent No.3 to complete the investigation and to file a charge sheet within the time stipulated by this Court and further to direct respondent No.8 to file an FIR under Section 302, IPC and 3(2) (va) The SC & ST (Prevention of Atrocities) Act, 1989.

2. Heard, the learned counsel appearing on either side.



W.P.No.27486 of 2021

WEB COPY

3. The petitioner is the grandfather of the deceased minor Harikrishnan, who belongs to scheduled caste community, aged about 16 years. On 23.11.2021, he lodged complaint alleging that his grandson Harikrishnan was studying 12th std in Government Higher Secondary School, Kudiraichandal. He was under custody of the petitioner. When he reached home in the evening on 20.11.2021, he found that his grand child Harikrishnan was nor there. Therefore, he made search and even then, he could not find him. Thereafter, his body was found hanging in a neem tree near a river. On receipt of the said complaint, the eighth respondent registered FIR in crime No.1306 of 2021 under Section 174 of Cr.P.C. According to him, the deceased grandson fell in love with one, Nivedha, who belongs to most backward community, was also studying 12th std in the same school. Both fell in love. Therefore, the parents and the brother of the girl murdered his grandson and hanged in a neem tree as if he committed suicide. Before the date of occurrence i.e. on 23.11.2021, even on 21.11.2021 itself, the brother of the deceased girl Nivedha lodged complaint alleging that she was missing. On receipt of the same, the Inspector of Police, Katchirapalayam Police Station registered FIR in crime No.660 of 2021 under girl missing. After finding the body of the said Nivedha,



W.P.No.27486 of 2021

on the complaint lodged by her mother, the eighth respondent registered another FIR in crime No.1307 of 2021 under Section 174 of Cr.P.C. In view of death of the said Nivetha, FIR registered in crime No.660 of 2021 was closed. Thereafter, in both the FIR registered in crime Nos.1306 and 1307 of 2021, the eighth respondent conducted detailed enquiry. Thereafter, both the FIR's were referred as 'further action dropped'.

4. On perusal of final report filed in both the FIR's, revealed that both the deceased i.e. the grandson of the petitioner and the said Nivedha fell in love. Due to their age and community, they thought that they could not get married and as such, they decided to commit suicide. The classmates of the deceased grandson of the petitioner, were examined and they categorically deposed that they decided to commit suicide and as such, the deceased Harikrishnan requested them to purchase some poison. Thereafter, both eloped from their village and he committed suicide by hanging himself. Insofar the girl is concerned, she jumped into the river and died due to drowning. On perusal of postmortem of both the deceased, revealed that no external injury found on both the bodies. The boy died due to asphyxia as well as hanging. The girl died due to asphyxia as well as drowning. Therefore, the eighth



W.P.No.27486 of 2021

respondent rightly referred both the FIR's as 'further action dropped'. Hence, the prayer sought for in this writ petition cannot be considered since already the FIR registered in crime No.1306 of 2021 was referred as 'further action dropped' by the final report dated 17.12.2021. In fact, the petitioner was served with referred charge sheet notice after closing the FIR as 'further action dropped'.

5. Therefore, this writ petition is devoid of merits and liable to be dismissed. Accordingly, this writ petition is dismissed. There shall be no order as to costs.

30.10.2023

Index :Yes/No

Internet : Yes/No

Speaking order/non-speaking order
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W.P.No.27486 of 2021

G.K.ILANTHIRAIYAN, J.

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To

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W.P.No.27486 of 2021



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W.P.No.27486 of 2021

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