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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 06/04/2023

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The Hon'ble Mr.Justice **G.ILANGOVAN**

Cr1.OP(MD)No.3990 of 2023
and
Cr1.MP(MD)No.3571 of 2023

R.Renyma : Petitioner/De-facto
Complainant

Vs.

1.State: The Inspector of Police,
Tuticorin,
Tuticorin district.

2.State: The Deputy Superintendent of Police,
Tuticorin Town Limit,
Tuticoron.

3.The Inspector of Police,
South Police Station,
Tuticoron District. : Respondents

PRAYER:- This Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to transfer the Investigation in Crime No.27 of 2023 on the file of the 2nd respondent police to some other Investigating Agency.

For Petitioner : Mr.Ka.Ramakrishnan

For Respondents : Mr.B.Nambiselvan
Additional Public Prosecutor

**ORDER**

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This criminal original petition has been filed seeking for transfer of the Investigation in Crime No.27 of 2023 on the file of the 2nd respondent police to some other Investigating Agency.

2.The facts in brief:-

The deceased Anisha was married to one Prasath, on 20/01/2022 as per their Christian customary rites. Even at the time of arrangement of marriage, the family members of Prasath demanded dowry. Even after the marriage, she was continuously harassed. At the time of marriage, it was told that Prasath was employed in abroad. On 13/01/2023 at about 04.30 pm, the petitioner received a phone call from the Prasath's Uncle that Anisha was admitted in the Hospital. She went to the Hospital and she was informed that Anisha is dead. Prior to her death, she sent two voice messages to the petitioner and his sister's son stating that she has been tortured by Prasath's family members. Later, she was also informed that one Rajesh a Doctor living nearby the house stated that her daughter died earlier to his examination. Only after that, they created drama by bringing Anisha to



the Hospital. She also found several injuries in her body. She was also informed by the Auto driver, who admitted Anisha in the Hospital. In the RDO enquiry also, the petitioner stated the above said facts. But no proper investigation, either by the police or by the RDO took place. So she sent a representation, on 30/01/2023 and 14/02/2023. But so far, no proper investigation was undertaken. So seeking transfer of the investigation, this petition has been filed.

3. Heard both sides.

4. The Investigating Officer is directed to be present in person before this court, so also the petitioner. The petitioner and the Investigating Officer were present and they were enquired by me in the open Court.

5.The Investigating Officer has stated that in the course of examination, he found nothing incriminating against the members of the husband's family. Anisha by nature, was emotional in character and because of depression, the above side suicide happened.



6.He also further submitted that there was no specific external injuries, only ligature mark was found around the neck. In the postmortem, an abrasion 2 cm x 2 cm was found over the left toe, Similarly 2 cm x 1 cm on the right great toe. Absolutely, there is no other injuries noted. He has also produced the CD file.

7.The postmortem report reads that there was no external injuries, showing any violence or torture. It was opined that the death would have occurred 24 hours prior to the postmortem. But the time of examination of the postmortem is 14/01/2023 at about 03.30 pm. The date of suicide is stated to be 13/01/2023 at about 04.30 pm. The postmortem report shows that the death would have occurred due to asphyxia due to hanging.

8.RDO enquiry has also been conducted and in the conclusion, the RDO has stated that Anisha was taking treatment for child birth, sought advise from both the family. But some sort of difference of opinion existed between two family members. The mother of the husband has stated that after the marriage, her son went to Dubai. After 45 days of the marriage, the mother of the deceased



took Anisha to the Hospital. That was not intimated to her son. Her son enquired about the reason for taking to the Hospital. Dissatisfied with the attitude of the Anisha's mother, he asked not to go to her parents home without his permission. On 30/12/2022, he came to India, and on 13/01/2023, after taking lunch, Anitha was sleeping in her bed room at about 04.30 pm. But even after 04.30 am on the next day, Anisha did not open the room door. So the door was broke open and at that time, she was found hanging with her Saree and she was taken to AVM hospital, where she was declared to be dead. One of the neighbours has also stated that Anisha was a calm girl and she will not come out of the house unnecessarily. The petitioner has given a statement that the husband was not satisfied in taking Anisha to the Hospital for check up, it was misunderstood by the husband. She has stated that due to demand of dowry only, she was done to death by her husband.

9. After going through the statements of several persons, the RDO has concluded that because of the above issue only, there was difference of opinion between two family members and there is no harassment and demand of dowry.



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10.Perusal of the CD file also shows that there was no external injuries and what happened on the particular date on 13/02/2023, after the lunch has been investigated by the Investigating Officer. A suicide note has also been recovered, wherein she has stated that she and her husband are opposite personalities in attitude and her character; many immature misunderstandings took place between them. She has also stated that she did not want to be a burden to any one.

11.Now this suicide note has been sent to the Forensic Scientific Expert for examination. However, final report has been filed by Dropping Further Proceedings, which may not be proper.

12.Let the investigation be kept pending till the above said expert opinion is received, so also the chemical report. However, from the facts and circumstances of the case and from the report of the RDO and the materials collected during the course of investigation, does not indicate any harassment, demand of dowry. Some exaggeration has been made by some of the relatives of the petitioner that some trouble was created by father-in-law and the brother-in-law of the deceased. But the facts and circumstances does not indicate even



remotatedly to this allegation. Because of a small issue of taking the deceased to the Hospital for fertility examination, difference of opinion arose between two family members and also the husband and the wife. No suspicious circumstance was also available to make allegation that it is a case of murder. So, I am of the considered view that there is no necessity for transfer the investigation. But however, for the reasons stated above, the above proceedings must be kept pending. Only after receiving the chemical report and the expert opinion report, if any clue is available, further investigation must be undertaken.

132. With the above said directions, this criminal original petition is **dismissed**. Let the investigation process be completed within a period of three months from the date of receipt of a chemical report and the forensic expert report. Consequently connected Miscellaneous Petition is closed.

06/04/2023

Index: Yes/No
Internet: Yes/No

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To,

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- 1.The Inspector of Police,
Tuticorin,
Tuticorin district.
- 2.The Deputy Superintendent of Police,
Tuticorin Town Limit,
Tuticoron.
- 3.The Inspector of Police,
South Police Station,
Tuticoron District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN, J

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