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CrI.O.P.(MD)No.14337 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.04.2023**

CORAM:

THE HONOURABLE MRS.JUSTICE **R.THARANI**

CrI.O.P.(MD) No.14337 of 2020

D.Servai ... Petitioner / Defacto complainant
Vs.

1.The Superintendent of Police,
Madurai District, Madurai.

2.The Inspector of Police,
Elumalai Police Station,
Madurai District,

(In Crime No.1840 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the first respondent to transfer the investigation pending on the file of the second respondent in Crime No.1840 of 2020 to any other independent agency or under the supervision of the first respondent police and to file a final report within time frame fixed by this Court based on the petitioner's representation, dated 03.11.2020.

For Petitioner : Mr.P.Senguttuarasan

For Respondents : Mr.M.Veeranthiran
Government Advocate (CrI.Side)



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ORDER

This petition is filed to direct the first respondent to transfer the investigation pending on the file of the second respondent in Crime No.1840 of 2020 to any other independent agency or under the supervision of the first respondent police and to file a final report within time frame to be fixed by this Court.

2. On the side of the petitioner, it is stated that the complainant has given a clear statement as to the Dowry Harassment and the reason for the death, but, the Revenue Divisional Officer has not considered that statement. Even if the Revenue Divisional Officer's statement is not against the accused, the Court's finding will not be affected with the report of the Revenue Divisional Officer and prayed that the investigation is to be transferred to some other agency.

3. On the side of the prosecution, it is stated that the deceased died six months after the date of marriage. The Deputy Superintendent of Police investigate this matter, he examined 30 witnesses. Two neighbours have deposed that there was a family dispute and there is no evidence as to Dowry Harassment. There is no external



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injury on the body of the deceased and the prosecution await visara report, there is no need for a change of investigation.

4. There is a strong presumption that the death within seven years of the marriage is to be considered as a Dowry death, even, if there is no dowry harassment on the side of the prosecution, it is stated that two of the neighbours have deposed that there was some family dispute. There is no possibility for a happy person to have committed suicide.

5. In the above circumstances, this case requires a detail enquiry. Hence, the investigation is hereby withdrawn from the file of the second respondent and the same is transferred to the file of the Deputy Superintendent of Police, Usilampattai and the investigation should be directly monitored by the Superintendent of Police, Madurai.

6. With the above directions, this Petition is allowed.

NCC : Yes/No
Index : Yes/No
Ls

24.04.2023



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R.THARANI. J.

Ls

To

- 1.The Superintendent of Police,
Madurai District, Madurai.
- 2.The Inspector of Police,
Elumalai Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to

The Deputy Superintendent of Police,
Usilampattai.

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