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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.227 of 2024

K.Kaliyammal

...Petitioner/Accused

Vs.

1.The State rep by
The Superintendent of Police,
Dharmapuri District,
Dharmapuri.

2.The Inspector of Police,
Harur,
Dharmapuri District-636 903.

...Respondents/Complainant

Prayer : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the concerned authorities to take necessary action on the complaint dated 26.10.2022 of the petitioner and also to direct to transfer the investigation to other any other competent agency and to investigate the case further and submit a final report within a stipulated time frame.

For Petitioner

: Mr.M.G.Martin Manivannan

For Respondents

: Mr.A.Damodaran

Additional Public Prosecutor

**ORDER**

This petition has been filed seeking for transfer of investigation pending on the file of the 2nd respondent in Crime No.79 of 2022, to any other Investigation Agency.

2.The case of the petitioner is that her late husband had purchased the subject property in the year 1986 and had registered the same in the name of her 2nd daughter. The grandson of the petitioner and his wife started exerting pressure on the daughter of the petitioner to register the land in their name. Later, the daughter of the petitioner was also driven out of the house by the son since she did not meet his demand. On coming to know of the same, the petitioner interfered and took her daughter to the house of her grandson on 20.03.2022 and advised the grandson and his wife not to harass her daughter. On the very next day i.e., on 21.03.2022, the petitioner received an information that her daughter has consumed poison and she has been admitted at Government



Hospital at Dharmapuri, in a very critical state. Later, she was shifted to a private hospital in Salem.

3.This information was immediately provided to the 2nd respondent and the 2nd respondent did not take any action. According to the petitioner, her daughter had taken the extreme step of consuming poison only because of the repeated harassment/cruelty meted out by her son and his wife. Since no action was taken by the 2nd respondent, the petitioner made a representation before the 1st respondent and only after the interference of the 1st respondent, the FIR came to be registered in Crime No.79 of 2022 on 24.03.2022 for the offence under Sections 294(b), 323 & 506(i) of IPC. According to the petitioner, even though it is a clear case of abetment of suicide, the relevant Section was not even added in the FIR.

4.The further grievance expressed by the petitioner is that there was absolutely no investigation in this case and all of a sudden, she came to understand that the FIR has been closed as “mistake of fact”. In the



light of the slipshod investigation, the petitioner has sought for the transfer of investigation to some other agency.

5.The learned Additional Public Prosecutor appearing on behalf of the respondent submitted that the investigation was completed and a closure report is going to be filed before the concerned jurisdictional Magistrate and already a RCS notice has been served on the petitioner in RCS.No.79/2022.

6.In reply to the above submission, the learned counsel for the petitioner submitted that the petitioner has not received any such RCS notice from the 2nd respondent and that in spite of the statement that was given by her daughter dated 17.08.2023 as to the reason for the attempt to commit suicide, there has been absolutely no investigation in this case and therefore requested this Court to transfer the investigation.

7.In the considered view of this Court, the mere filing of a closure report as “mistake of fact”, does not take away the right of the petitioner.



The concerned Court before which the closure report is filed has the option of ordering for further investigation if it is not satisfied with the investigation. That apart, the Court can also reject the closure report and take cognizance for the relevant offences and issue summons to the accused persons. The last option that is available to the Court is to take the closure report on file and to permit the petitioner to file a protest petition and deal with the same in accordance with law. In view of these wide powers that are available to the Court, it is not necessary for this Court to exercise its jurisdiction under Section 482 of Cr.P.C.

8. In the light of the above discussion, there shall be a direction to the 2nd respondent to file the closure report before the concerned Judicial Magistrate Court viz., Judicial Magistrate Court, Harur, within a period of two weeks from the date of receipt of a copy of this order. The RC notice shall be served on the petitioner before the closure report is filed before the concerned Court. On the receipt of the same, the petitioner shall file a protest petition before the concerned Court and workout her remedy. The concerned Court shall keep in mind the wide powers that are available to



the Court while dealing with the closure report.

9.This Criminal Original Petition is disposed of with the above directions.

05.01.2024

Index: Yes/No
Internet: Yes/No
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To

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

2.The Inspector of Police,
Harur,
Dharmapuri District-636 903.

3.The Public Prosecutor,
High Court, Madras.

N.ANAND VENKATESH.J.,



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