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W.P.No.12841 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.12841 of 2024

Mr.Ramsekar.

... Petitioner

/versus/

1. The Sub Inspector of Police,
T1-Ambattur Police Station,
Ambattur, Chennai – 53.

2. Mr.V.N.Ramakrishnan.

... Respondents

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st respondent to complete the investigation and submit the status report by implementing the order dated 19.10.2023 in W.P.No.29926 of 2023.

For Petitioner : Mr.I.Arockia Selvaraj

For R1 : Mr.K.M.D.Muhilan
Government Advocate (Crl.Side)

For R2 : Mrs.G.Devi



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ORDER

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The petitioner herein claiming that he is a distant relative of one V.N.Sugantha Lakshmi. Relying upon a deed captioned as “Uruthimozhi deed” alleged to have been executed by Sugantha Lakshmi, the petitioner claims that he is entitled to maintain her property situated at No.18/2, Thanthai Periyar Street, Ramapuram, Ambattur, Thiruvallur. After the death of said V.N.Sugantha Lakshmi, in order to take over the property of the deceased lady, the petitioner has caused notification in the newspaper about missing of Sambadevi, daughter of Sugantha Lakshmi. On sensing the ill motive of the petitioner, the 2nd respondent herein, who is the brother of the deceased V.N.Sugantha Lakshmi has given a complaint to the police on 04.07.2022. Regarding the complaint of woman missing (Sambadevi), F.I.R was registered on 12.08.2019 in Crime No.1600 of 2019 on the file Sub Inspector of Police, Ambattur, which was given by V.N.Sugantha Lakshmi. After her demise, the petitioner herein has filed a Writ Petition before this Court seeking direction to the 1st respondent police to submit status report about the woman missing complaint.

2. This Court in W.P.No.29926 of 2023 *vide* order dated 19.10.2023 observed that the police cannot kept FIR pending for infinite period,



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after completing the investigation, report to be filed and copy of the report shall be given to the petitioner herein for further course of action.

3. The petitioner herein as a follow up on 05.12.2023 sent a reminder to the Sub Inspector of Police, Ambattur to complete the investigation and file report. Thereafter, the petitioner is now before this Court seeking direction to complete the investigation and submit status report as directed by this Court in W.P.No.29926 of 2023.

4. The Learned Government Advocate (Crl.Side) appearing for the 1st respondent has filed status report, wherein, the Inspector of Police, T-1 Ambattur Police Station has narrated the events in connection with FIR No.1600 of 2019 reporting missing of Sambadevi, daughter of V.N.Sugantha Lakshmi. The report reveals that Sambadevi, F/aged 33 years, B.A., B.L., graduate met with an accident on 25.04.2018 and sustained injury on her backbone. She was under treatment for her injury. Frequently, she use to go to Pondicherry to take treatment. She gone missing after she went to Pondicherry for treatment and failed to report or contact her mother. Thus, complaint in Crime No.1600 of 2019 under 'woman missing' was registered on 12.08.2019. After registering the F.I.R, investigation was conducted and statement of



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witnesses were recorded. The CD report of the suspected persons were collected

but no clue could have been obtained. Pending investigation, the complainant

V.N.Sugantha Lakshmi died and thereafter, the petitioner Thiru.Ramsekar has took up the cause. He appeared before the respondent police and produced the death certificate of V.N.Sugantha Lakshmi and a deed called Uruthimozhi deed claiming that V.N.Sugantha Lakshmi had given her property to him. But the document shown by him does not carry any trapping of legal tender of transferring immovable property. It is further stated that the Inspector of Police has nominated a Head Constable to conduct enquiry in Pondicherry, particularly, Pondicherry Beach, Aravindar Ashraman, Paradise Beach and Pondicherry Bus stand, but his mission could not give any positive result. The efforts were taken to identify unknown dead bodies with photograph of the missing lady, the details and photograph of the missing lady been sent to Crime Record Bureau for comparison and information. Serious efforts been taken to trace the missing lady but being tardy till now. The Learned Government Advocate further submits that the Investigating Officer will take appropriate decision to give a logical end to the complaint.

5. The Learned Counsel appearing for the 2nd respondent, who is the brother of deceased V.N.Sugantha Lakshmi states that the petitioner herein



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is a third party, who has nothing to do with V.N.Sugnatha Lakshmi or her daughter. By creating a document captioned as UruthiMozhi deed, trying to lay his hand on the property left by V.N.Sugantha Lakshmi. However, the Learned Counsel for the petitioner would state that he was a person taking care of V.N.Sugantha Lakshmi, during her lifetime and therefore, he has locus to follow up the complaint given by her.

6. This Court, after perusing the record and hearing the Learned Counsels would find that the petitioner on the strength of a document alleged to have been executed by V.N.Sugantha Lakshmi making an attempt to show as if he is interested in tracing Sambadevi, the daughter of V.N.Sugantha Lakshmi. The girl had gone missing during the month of August 2019. From the status report filed by the Inspector of Police, it is seen that adequate efforts been taken to trace the girl but all had went in vain. The complaint itself been lodged after six months after missing.

7. The Learned Counsel appearing for the petitioner states that the petitioner was taking care of V.N.Sugantha Lakshmi for years and if it is so, why the complaint regarding missing of her daughter not been lodged immediately is unknown. It appears that firstly the daughter (Samba Devi)



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gone missing which was reported to the police only after six months and within two years, mother (V.N.Sugantha Lakshmi) died. It is alleged that she has left a deed bequeathing her property to this petitioner and this petitioner after four years had approached the High Court by way of Writ Petition to expedite the complaint of V.N.Sugantha Lakshmi regarding missing of Sambadevi.

8. The entire story spinned by the petitioner herein provides strong suspicion against him for the missing of Sambadevi and death of V.N.Sugantha Lakshmi. It is appropriate to direct the police, that in the course of investigating the woman missing complaint, the police should take the petitioner into custody, if necessary and investigate the matter properly.

9. From the records, this Court find that the petitioner has never been interrogated by the Investigating Officer about missing of the girl. Having made a tall claim that he had been taking care of the mother of the missing girl, he is bound to explain why the mother did not give complaint about the missing of her daughter for six months.



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10. With the above observation, this Writ Petition is disposed of.

No costs.

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Index : Yes/No.

Neutral Citation : Yes/No.

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Copy to:-

1. The Inspector of Police, T1, Ambattur Police Station, Ambattur, Chennai – 53
2. The Public Prosecutor, High Court, Madras.



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Dr.G.JAYACHANDRAN, J.

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