



Crl.O.P.No.13365 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:12.06.2024

CORAM:

THE HONOURABLE DR JUSTICE G.JAYACHANDRAN

Crl.O.P.No.13365 of 2024

Mr.Sundarraaj

.. Petitioner

/versus/

1.The Inspector of Police,
All Women Police Station,
Pulianthope, Chennai 600 012.

2.The Inspector of Police,
Otteri Police Station,
Cooks Road,
Puthuvazhama Nagar,
Jamalia, Chennai 600 012.

.. Respondents

Prayer: Criminal Original Petition has been filed under Section 482 of Cr.P.C., to transfer the proceedings and investigation in Crime No.589 of 2020 pending on the file of the 1st respondent police to any independent agency or officer under the direct supervision of the Superintendent of Police and to further alter the offences from Section 174 of Cr.P.C., to appropriate penal offences within a reasonable time period to be fixed by this Court.



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For Petitioner :Mr.G.R.Hari
For Respondents :Mr.K.M.D.Muhilan
Govt.Advocate (Crl.Side)

ORDER

The petitioner herein is the father of Sharmila Santhosh, who died under a suspicious circumstances.

2. According to the petitioner, on 05.03.2020, at Metro Cure Hospital, Hyderabad, on knowing about the death of his daughter, the petitioner had gone to Hyderabad, taken her body and came to Chennai and buried her. Thereafter, certain facts about the conduct of the husband of the deceased come to the knowledge of the petitioner, which has led to filing of two complaints, one regarding sexual abuse to the minor daughter of the deceased and another suspicion about the death of his daughter.

3. As far as sexual abuse of his own daughter, it is stated that the police has completed the investigation and the accused was tried in Spl.S.C.No.23 of 2021 and got convicted on 03.10.2023. Regarding the suspicious death, the petitioner initially had approached this Court by



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way of filing the Writ Petition seeking a direction to exhume the body of the petitioner's daughter Sharmila Santhosh and conduct a post mortem. That Writ Petition was allowed pursuant to the registration of the First Information Report in Crime No.589 of 2020 for the offence under Section 174 of Cr.P.C. Consequently, the accused had approached this Court to quash the First Information Report.

4. This Court on considering the facts of the case as found in the complaints and other materials, dismissed the petition, however, directed the respondents police to file the final report within two weeks from the date of receipt of a copy of that order, in view of the submissions made by the learned Government Advocate (Crl.Side) that the investigation been completed. But, even after lapse of more than one year and three months, the respondents police did not file their final report. Since no proper investigation been conducted, the petitioner has filed the present petition seeking transfer of investigation.

5. The learned Government Advocate (Crl.Side) appearing for the State submitted that the investigation conducted and the post-mortem



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report cumulatively indicate that the daughter of the petitioner died in the hospital at Hyderabad due to septicaemic shock and acute renal failure and there is no material to suspect any person for her death. She has been initially taking treatment in some other hospital and brought to Metro Cure Hospital by ventilator on 03.03.2020 and however, she lost her breath from two days thereafter. Hence, the police has concluded to drop further action and accordingly, final report filed before the concerned Court Yesterday.

6. The learned counsel appearing for the petitioner submitted that the conclusion of the first respondent police on truncated material without probing the matter in detail has not recorded statement of the complainant and gone to Hyderabad to investigate about the case and record the statement of the Doctors, who had treated the deceased.

7. This Court after going through the records finds that the daughter of the petitioner died in the hospital after taking treatment in the hospital as inpatient for few days and her medical history as per the



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discharge summary would indicate that she was not healthy and suffering from “Intra Uterine death, disseminated intra vascular coagulopathy, hypoxic ishcemic encephalopathy, septicaemic shock and acute renal failure in which suction evacuation done on 04.03.2020, fasciotomy done left upper limb on 04.03.2020 and she had been received from other hospital by ventilator to the Metro Cure Hospital. When she was admitted in the Metro Cure Hospital, she was unconscious with ventilator support and kept in ICU.

8. Since the subsequent information, the petitioner gathered about his son-in-law has made him to suspect that her daughter did not die naturally. But this suspicion did not arise immediately after the death of his daughter. He has not lodged any complaint at the jurisdiction police in Hyderabad at any point of time. If he had lodged the complaint at the place of the death, it could have been effectively investigated by the jurisdictional police. He has brought the body of the daughter to Chennai and buried her. Thereafter, sought intervention of the Court to exhume the body and proceed. Even after the writ petition filed, he has not made any complaint before the Commissioner of Police, Hyderabad or the



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concerned jurisdictional Inspector of Police at Hyderabad. He had not sought for registration of the complaint by the Hyderabad Police, who is more competent to investigate the case where the occurrence took place. He has only insisted the Chennai Police/the first respondent to register the complaint and investigate. As per the direction of this Court, the first respondent has registered the complaint and on investigation, exhumed the body and conducted post mortem and found that there is no suspicious injury found on the body of the deceased.

9. In the said circumstances, it appears that the police has concluded that there need not be any further investigation on the complaint registered under Section 174 of Cr.P.C. Accordingly, they have also filed final report.

10. In the above said facts and circumstances, this Court holds that there is no need to order transfer of investigation after five years of occurrence. The petitioner herein however is at liberty to pursue the material collected and filed along with the closure report and proceed in accordance with law, if he so advised.



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11. With the above observations, this Criminal Original Petition
is disposed of.

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Index:yes/no

Neutral Citation:yes/no

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To

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Pulianthope, Chennai 600 012.

2.The Inspector of Police, Otteri Police Station,
Cooks Road, Puthuvazhama Nagar, Jamaliam, Chennai 600 012.

3.The Public Prosecutor, High Court, Madras.

DR.G.JAYACHANDRAN,J.

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