



CrI.O.P.No.26657 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

CrI.O.P.No.26657 of 2024

N.Nagammal

... Petitioner

Vs.

1.The Superintendent of Police, (West)
Office of the Superintendent of Police,
Villiyanoor,
Puducherry.

2.The Inspector of Police,
Thirubuvanai Police Station,
Puducherry.
(Crime No,0076 of 2021)

3.The Inspector of Police,
CB-CID Police Station,
Puducherry
Respondents

...

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C./ 528 BNSS, pleased to issue a direction, directing the Respondent No.1 to withdraw the case in Crime No.0076 of 2021 dated 09.08.2021 on the file of Respondent No.2 and entrust the same to Respondent No.3 or some other fair agency for investigation and file a final report within the time period as stipulated



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For Petitioner : Mr.V.Manikandan

For Respondents : Mr.M.V.Ramachandramurthy
Additional Public Prosecutor (Pondy)
Asst by Mr.Tamizhmani

ORDER

This Criminal Original Petition is filed seeking withdrawal of the investigation in Crime No.76 of 2021 on the file of the 2nd respondent and entrust the same to the 3rd respondent for fair investigation.

2. The petitioner is the mother of the deceased Monisha. On 09.08.2021, she lodged the complaint before the 2nd respondent stating that her younger daughter staying with her married elder daughter reportedly fainted in the house of her elder daughter and taken to the hospital. At the hospital, she was declared brought dead. The postmortem report revealed that she died out of strangulation. However, due to wrong information given by Sakthikumar, the husband of the elder daughter, she has informed the police that her daughter fainted out of chest pain and died on the way to the hospital. Since the postmortem discloses that the death is due to strangulation, she suspects Sakthikumar. Hence wants the investigation to be transferred to CBCID, Puducherry.



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3. The learned Additional Public Prosecutor (Pondy) appearing for the respondent police submits that the complaint of the petitioner was registered in Crime No.83 of 2022 under Section 174(3)(1) of Cr.P.C., was investigated. Since there was contradiction in the information given by the petitioner about the sequence of events before the death of Monisha, the enquiry was done to find the truth. Besides the Executive Magistrate also conducted enquiry, since the death was unnatural within 7 years of her marriage. The statement of Sakthikumar and his wife had disclosed that Monisha committed suicide due to her gynecology problem. However, fearing shame initially they have not disclosed the fact that Monisha hanged herself. The opinion of the medical officer about postmortem report has ruled out homicide. The ligature mark and constriction of neck found on the body were caused due to hanging and except the ligature mark around the neck, there is no other injury in the body and sexual assault also ruled out .

4. Based on the information of the medical officer and the statement of the witnesses, the respondent police has closed the First Information Report as action dropped and reported to the concerned SDM (South) Villianur, Puducherry. The Referred Charge Sheet been



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served to the petitioner informing the action dropped on 10.11.2022 and the petitioner has received the copy and affixed her signature.

5. Though the learned counsel appearing for the petitioner states that the action dropped decision is not based on proper investigation, this Court on examining the statement of witnesses and the opinion of the medical officer who has ruled out sexual assault and categorically stated that except the ligature mark on the neck of the deceased person, no other external injury found. Hence *prima facie* satisfied that the respondent police has done their investigation impartially and had arrived at conclusion not to proceed further and therefore, dropped the action. The RCS notice also been issued to the complainant as early as 10.11.2022. However, after two years, the present petition is filed suppressing the fact that the petitioner has received the RCS notice. If at all, the petitioner is aggrieved in any manner, she ought to have file protest petition before the concerned Court and sought for remedy. Having failed to do so, requesting for transfer of investigation after two years of closure of complaint does not appear to be genuine. Hence this Criminal Original Petition is dismissed.



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Neutral Citation : Yes/No
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To

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Villiyanoor,
Puducherry.

2.The Inspector of Police,
Thirubuvanai Police Station,
Puducherry.

3.The Inspector of Police,
CB-CID Police Station,
Puducherry

4.The Public Prosecutor (Pondy),
High Court of Madras,
Chennai.

Dr.G.JAYACHANDRAN,J.

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