



Writ Petition No.36524 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.36524 of 2023

&

W.M.P.No.36504 of 2023

S.Settu

S/o.Swamikannu

... Petitioner

Vs.

1. The Superintendent of Police,
O/o. The Superintendent of Police,
Veppery,
Chennai – 600 007.

2. The Inspector of Police,
E2, Royapettah Police Station,
Royapettah,
Chennai – 600 014.

3. The Nodal Officer
Airtel
Bharti Telemedia Limited
5th Floor, Interface Building Link Road
Malad West
Mumbai – 400 064

...Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents 1 and 2 to consider the petitioner's complaint dated 09.03.2023 and as per judgment of the Kerala at Ernakulam Hon'ble Court dated 31.08.2017 in CrI.M.C.No.4586 of 2017 to keep in safe custody of the call details i.e., the incoming calls and outgoing calls of the petitioner's daughter, tower locations, WhatsApp messages, Twitter, Instaagram and other details of the petitioner's daughter's mobile numbers such as 73058 161 (Airtel) from 08.03.2023 at 06.00 hrs to 09.03.2023 at 06.00 hrs under Section 65-B of the Indian Evidence Act without any further delay in accordance with law.

For Petitioner : Ms.R.Kalaiyarasi

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor [R1 & R2]

ORDER

This writ petition has been filed for issuance of a writ of mandamus directing respondents 1 and 2 to keep in safe custody the call details of the petitioner's daughter, tower locations, whatsapp messages through social media and other details pertaining to the mobile number of the petitioner's daughter and to make use of the same in the course of investigation pending



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against the suspicious death of the petitioner's daughter on 09.03.2023.

2. Heard Ms.R.Kalaiyarai, learned counsel for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for respondents 1 and 2.

3. Learned counsel for petitioner submitted that petitioner's daughter was in love with one Shiva and she was working as a nurse at Bharathiyar Fertility Hospital at Mandaveli, Chennai. All of a sudden, the petitioner was informed on 09.03.2023 that his daughter had committed suicide by hanging. A complaint was also laid by the owner of the house based on which a First Information Report came to be registered in Crime No.41 of 2023 u/s.174 Cr.P.C.

4. The grievance of the petitioner is that the petitioner had also given an independent complaint on 09.03.2023 and the same was not acted upon. That apart, the second respondent had also not collected the call details,



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tower locations *etc.* from the mobile belonging to the petitioner's daughter. It is under these circumstances, the present writ petition has been filed before this Court.

5. Learned Additional Public Prosecutor, on instructions, submitted that the mobile phone of the deceased was already secured and it was sent to the Cyber Forensic Department and the report is pending. That apart, already the CDR details have been received from the third respondent. He further submitted that the statement of the petitioner will also be recorded u/s.161 Cr.P.C. in the course of investigation in Crime No.41 of 2023. Ultimately, if any offence is made out, the First Information Report will also be altered by adding the accused persons and investigation will be proceeded further in accordance with law.

6. Recording the statement of learned Additional Public Prosecutor, this writ petition is disposed of with a direction to the second respondent to proceed further with the investigation strictly in accordance with law and



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take immediate steps to collect the report from the Cyber Forensic Department. The statement of the petitioner shall also be recorded in the course of investigation. The investigation shall be completed and a final report or closure report, as the case may be, shall be filed before the concerned Court as expeditiously as possible.

This Writ Petition is disposed of with the above directions. No costs.
Consequently, connected miscellaneous petition is closed.

04.01.2024

Index : Yes/No
Speaking Order/Non-speaking Order
Neutral Citation : Yes/No
gm



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N.ANAND VENKATESH, J

gm

To

1. The Superintendent of Police,
O/o. The Superintendent of Police,
Veppery,
Chennai – 600 007.
2. The Inspector of Police
E2, Royapettah Police Station
Royapettah
Chennai – 600 014
3. The Public Prosecutor,
High Court of Madras.

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