

**HIGH COURT OF TRIPURA
AGARTALA**

WP(Crl.) No.04 of 2023

Sri Dipankar Das

..... Petitioner(s).

V E R S U S

The State of Tripura & others

.....Respondent(s).

For Petitioner(s) : Mr. A. Acharjee, Advocate,
Mr. P.J. Ghosh, Advocate.

For Respondent(s) : Mr. Raju Datta, P.P.

**HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH
HON'BLE MR. JUSTICE S.D. PURKAYASTHA**

Order

19/12/2023

Petitioner is the father of the girl against whom certain offences were committed leading to institution of an F.I.R. bearing No.WAW 52 of 2023 dated 11.10.2023 under Sections 363/325/34 of the Indian Penal Code (IPC, for short). Petitioner contends that she died in suspicious circumstances but the police has not added the offending penal provision under Section 302 of the IPC. Therefore, the petitioner has approached this Court.

Mr. A. Acharjee, learned counsel for the petitioner, has referred to Section 174 of the Cr.P.C. and also a decision of the Apex Court rendered in the case of *Radha Mohan Singh alias Lal Saheb & others versus State of Uttar Pradesh* reported in *AIR 2006 SC 951*. He submits that appropriate direction may be issued to the investigating agency to add the relevant provisions of the IPC and complete the investigation in a fair and proper manner.

Mr. Raju Datta, learned Public Prosecutor appearing for the State, was allowed time on the previous occasion to seek instruction. On instructions, he submits that the case is still under investigation. Charge-sheet has not been submitted. Whether an offence under Section 302 of the IPC is made out or is it a case of suicidal death, upon completion of investigation at the time of submission of the charge-sheet, the investigating agency will arrive at a conclusion. Petitioner will have adequate remedy under the provisions of the Code in case he has any grievance thereafter before the competent Court. He relies upon a decision of the Apex Court in the case of *Shariff Ahmed and others versus State (NCT of Delhi)* reported in (2009) 14 SCC 184. He submits that the Apex Court has frowned upon the approach of the High Court in directing addition of a particular provision at a stage when the investigation was underway.

We have considered the submission of learned counsel for the parties.

The writ petition is premature. Investigation is undergoing. The outcome of the investigation cannot be prejudged by either the petitioner or by this Court. Petitioner had lodged an F.I.R. under the provisions of Sections 363/325/34 of IPC prior to the death of the girl alleged to be minor. In case during course of investigation she died, it is up to the investigating agency to properly inquire the matter and submit charge-sheet.

We do not want to control the line of investigation at this stage and suspect the fairness and impartiality of the investigating agency without any material.

The judgment cited by the learned counsel for the petitioner is arising out of a concluded trial wherein the provisions of Section 174 Cr.P.C. have been dilated upon by the Apex Court and hence do not help the case of the present petitioner.

The writ petition is accordingly dismissed.

Pending application(s), if any, shall also stand disposed of.

(S.D. PURKAYASTHA), J

(APARESH KUMAR SINGH), CJ



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