

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2016

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

W.P.No.25380 of 2016

T. Thilagavathi

... Petitioner

Vs.

1. The Superintendent of Police,
Coimbatore, Coimbatore District.
2. The Deputy Superintendent of Police,
Pollachi, Coimbatore District.
3. The Inspector of Police,
All Women Police Station,
Pollachi, Coimbatore District.
4. The Sub-Collector,
Pollachi, Coimbatore District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents to alter the offence written in FIR No.6 of 2016 under Section 174 (3) to 304 (B), 498 (A), 306 and 34 of IPC and consequently direct the 1st respondent to monitor the investigation.

For Petitioner : Mr.G.Karthik

For Respondents : Mr.C. Emalias
Additional Public Prosecutor

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O R D E R

This Writ Petition has been filed for issuance of a Writ of Mandamus, to direct the respondents to alter the offence written in FIR No.6 of 2016 under Section 174 (3) to 304 (B), 498 (A), 306 and 34 of IPC and consequently direct the 1st respondent to monitor the investigation.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. It is seen that the petitioner's daughter died on 26.06.2016, in connection with which, a case in Crime No.6 of 2016 has been registered by the 3rd respondent, The Inspector of Police, All women Police Station, Pollachi, Coimbatore District, under Section 174 Cr.P.C. and since death is within 7 years of marriage, inquest is being conducted by the Executive Magistrate. While so, the petitioner has come up with this petition with the above said prayer.

4. In the considered opinion of this Court, this petition is too premature inasmuch as the FIR has been registered only on 26.06.2016 and inquest proceedings will take time. That apart, even the viscera report would not have been received by the postmortem Doctor for giving opinion of death. A mandamus of this nature cannot be issued because this Court cannot direct the respondent police to investigate in a particular manner. During the course of investigation, if evidence surfaces with regard to commission of serious offence, it is needless to state that the respondent should file an alteration report before the jurisdictional Court.

5. The 3rd respondent police is directed to give a copy of the final report of the case in Crime No.6 of 2016 after the culmination of the investigation to the petitioner.

In view of the above, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

sms

To

1. The Superintendent of Police,
Coimbatore,
Coimbatore District.
2. The Deputy Superintendent of Police,
Pollachi, Coimbatore District.

3. The Inspector of Police,
All Women Police Station,
Pollachi, Coimbatore District.

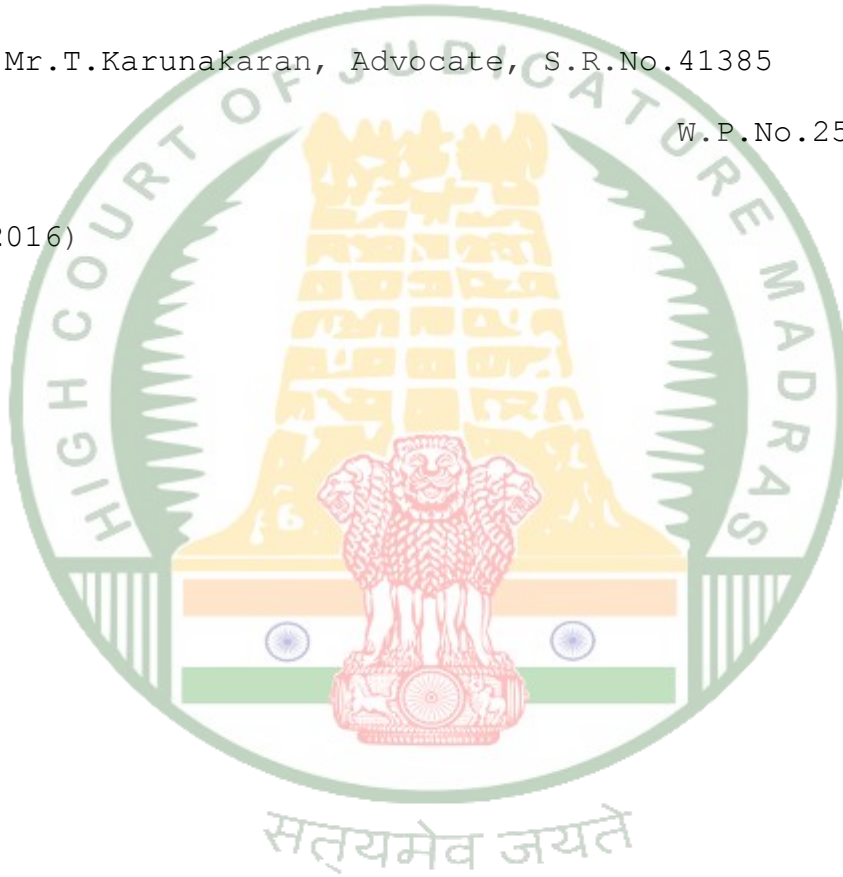
4. The Sub-Collector,
Pollachi,
Coimbatore District.

5. The Public Prosecutor,
High Court, Madras.

+2cc's to Mr.T.Karunakaran, Advocate, S.R.No.41385

W.P.No.25380 of 2016

AK(CO)
CA(09/08/2016)



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