



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.07.2016

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

CrI.O.P. (MD) .No.9657 of 2016

Anbu Raj

.. Petitioner

Vs.

1.The Deputy Superintendent of Police,
Rameswaram,
Ramanathapuram District.

2.The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.

3.The Inspector of Police,
Thangachi Madam Police Station,
Ramanathapuram District.

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the 1st respondent to file charge sheet under section 304B of IPC and Provisions of Dowry Prohibition Act in FIR No.30 of 2016 dated 24.03.2016 on the file of the 3rd respondent before the concerned court.

For Petitioner : Mr.R.Murugappan

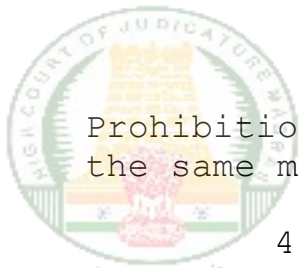
For Respondents : Mr.K.V.Rajarajan,
Government Advocate (Criminal side)

ORDER

It is an application seeking a direction to include the penal provisions of Section 304-B IPC and Section 4 of Dowry Prohibition Act, 1961 in FIR No.30 of 2016 and to file charge sheet before the concerned Court within the time to be stipulated by this Court.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (CrI. Side) for the respondents.

3.The learned counsel appearing for the petitioner would submit that provisions of Section 304-B IPC and Section 4 of Dowry



Prohibition Act have not been included in FIR No.30 of 2016 and the same may be directed to be included in the charge sheet.

4. Based on the materials available, it is for the Investigating Officer to decide, which of the sections of Penal Code is made out and to file a final report under appropriate sections. If at all, any offence is omitted to be included, it is for the petitioner to substantiate the same by producing relevant materials in support of his plea for inclusion of additional Penal provisions viz., Section 304-B IPC and Section 4 of Dowry Prohibition Act, 1961. In this case, no such material has been produced before this Court. Under such circumstances, no direction to include Section 304-B IPC in the final report can be issued.

5. However, the learned Government Advocate (Criminal Side), on instructions, would submit that report from the Forensic Department is awaited and the remaining part of investigation is almost over and the third respondent requires four months time to complete the investigation and to file a final report in Crime No.30 of 2016.

6. Accordingly, this Criminal Original Petition is disposed of with a direction to the third respondent to complete investigation and to file a final report before the Court concerned within a period of four months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. The Deputy Superintendent of Police,
Rameswaram, Ramanathapuram District.
 2. The Revenue Divisional Officer,
Ramanathapuram, Ramanathapuram District.
 3. The Inspector of Police,
Thangachi Madam Police Station, Ramanathapuram District.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.R.MURUGAPPAN, Advocate, SR No.40522

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28.07.2016