

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.31630 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking a direction to the 4th respondent to conduct a fair investigation by registering the case under Section 304-B IPC.

In connection with the death of daughter of petitioner, a representation have been given by her husband to the respondent-police alleging that the death of their daughter is not as a result of suicide, but she was killed by her husband and in-laws. Originally, the case was registered under Section 174 Cr.P.C. and subsequently, the section of law was altered from 174 to Sections 498-A and 306 IPC. The grievance of the petitioner is that even though certain allegations are made in their representation/complaint attracting an offence under Section 304-B IPC, the 4th respondent failed to register the case under Section 304-B IPC.

The learned Additional Government Pleader submitted that the writ petition is premature in nature and that though the case is registered for the offences under Sections 498-A and 306 IPC, if the investigation reveals any case for an offence under Section 304-B IPC or any other offence, the investigating agency would alter the section of law in accordance with law.

Heard and perused the material available on record.

This Court is of the view that mere registration of the case for a different offence will not cause any prejudice to the petitioner since during the course of investigation, if any material is elicited, it is the duty of the investigating agency to alter the section of law by invoking

appropriate provision. Hence, the 4th respondent is directed to complete the investigation and file a final report, either way, in accordance with law as expeditiously as possible.

The writ petition is disposed of accordingly. No costs.

Pending Miscellaneous Petitions, if any, shall stand closed.

RAJA ELANGO,J

18.10.2016.
Tsr



