



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:26.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P. (MD) No.13454 of 2016

Amaravathi : Petitioner/Defacto complainant

-Vs-

1. The Superintendent of Police,
Ramanathapuram.
2. The Deputy Superintendent of Police,
Deputy Superintendent of Police Office,
Keelakarai,
Ramanathapuram District.
3. The Inspector of Police,
Erwadi Dharga Police Station,
Ramanathapuram District. : Respondents/ Complainant

PRAYER: Criminal Original petition filed under Section 482 of Criminal Procedure Code, to direct the respondents to alter the Section 306 of I.P.C. to 302 of I.P.C. in Cr.No.112 of 2016 on the file of 3rd respondent herein and investigate the same in accordance with law.

For Petitioner : Mr.K.Kumaravel

For Respondents : Mr.K.Anbarasan,
Government Advocate (Crl.Side)

ORDER

This petition is filed to direct the respondents to alter the Section 306 of I.P.C. to 302 of I.P.C. in Cr.No.112 of 2016 on the file of 3rd respondent.

2.It is the case of the petitioner that she has given a complaint to the third respondent on 24.06.2016 that her daughter Radhika married one Sanjaikumar on 12.02.2014 and that her daughter's husband/first accused was demanding dowry, apart from Sridhana Jewels from the deceased Radhika for his family debts. It is her version that her daughter was murdered by her husband, as the petitioner's daughter refused to give the jewels. Despite



a complaint was given, raising serious allegation, it was the contention of the petitioner that the police registered a case only under Section 174 of Cr.P.C., dated 24.06.2016. The petitioner has narrated some of the instances justifying her allegations.

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3.The learned Government Advocate (Crl.Side) appearing for the respondents on instructions submitted that a final report itself has been filed by concluding that the accused 1 to 4 has committed offences under Sections 498(A), 306 and 34 of I.P.C.

4.The reading of the final report indicate that the third respondent has considered all the relevant materials and the statements before coming to the conclusion. Merely because the report is against the version of petitioner, it cannot be said that the report is either biased or unsustainable or need to be altered.

5.Having regard to the factual findings drawn from the facts of the case by the investigation officer, the report has been drawn and the same cannot be questioned on individual perception. In such view of the matter, this Criminal Original Petition is dismissed. However, it is open to the petitioner to let in evidence at the time of trial and based on evidence the Court may do the exercise in the manner known to law.

Sd/-

Assistant Registrar(Cs-III)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Ramanathapuram.
2. The Deputy Superintendent of Police,
Deputy Superintendent of Police Office,
Keelakarai,
Ramanathapuram District.
3. The Inspector of Police,
Erwadi Dharga Police Station,
Ramanathapuram District.

+1cc to Mr.K.Kumaravel, Advocate Sr.No.67899

SRM/LS

VB/GT/SAR4/09/08/2017/2P/5C

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