



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.11.2017

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

CRL.OP.(MD).No.1578 of 2016

M.Rathika

... Petitioner

Vs.

1. The Superintendent of Police,
Virudhunagar,
Virudhunagar District.

2. The Inspector of Police,
All Women Police Station,
Sivakasi,
Virudhunagar District.
(Crime No.3 of 2016)

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the second respondent to alter the First Information Report by including the offence under Section 376 of I.P.C., in Crime No.3 of 2016, dated 12.01.2016 on the file of the second respondent.

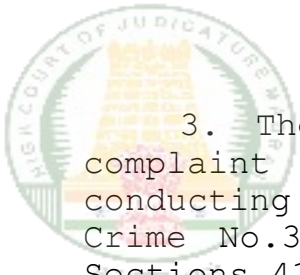
For Petitioner : Mr.T.Muruganantham

For Respondents : Mr.A.Ramar,
Additional Public Prosecutor.

ORDER

This Criminal Original petition is filed for issuing a direction to the second respondent to alter the First Information Report by including the offence under Section 376 of I.P.C., in Crime No.3 of 2016, dated 12.01.2016 on the file of the second respondent.

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



3. The petitioner is the defacto complainant. She gave a complaint to the second respondent police on 22.04.2014. After conducting a Preliminary Enquiry, a case was also registered in Crime No.3 of 2016 on 12.01.2016 for the alleged offences under Sections 417, 294(b) and 506(i) of I.P.C.

WEB COPY

4. The petitioner herself admits that she gave the complaint on 12.01.2016 for registration of the First Information Report in Crime No.3 of 2016. Even as per the first information given by her in the complaint, the petitioner and the proposed accused were known to each other for about four years. Hence, it is admitted that the petitioner was a major when she developed the relationship with the proposed accused.

5. In such circumstances, the relationship between the petitioner and the proposed accused will not attract Section 376 of I.P.C. Even when the complaint does not disclose that the proposed accused promised her to marry her, the request of the petitioner for issuing a direction at this stage is not proper. However, based on materials and other evidence, if the petitioner is able to substantiate her case, the present order will not stand in the way.

6. With the above observation, the Criminal Original petition is closed.

7. The learned counsel for the petitioner states that a direction to expedite the investigation and to file final report within a short time will be in the interest of justice.

8. Considering the facts and circumstances of the case, the second respondent is directed to file a final report within a period of three months from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar(Crl.Side)

/True Copy/

Sub-Assistant Registrar

To

1. The Superintendent of Police, Virudhunagar,
Virudhunagar District.
 2. The Inspector of Police, All Women Police Station,
Sivakasi, Virudhunagar District.
 3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +One cc to Mr.T.Muruganantham, Advocate, SR.No.87699

pmu

RL/5C/2P/GT/SAR4/29/11/2017

CRL.OP.(MD).No.1578 of 2016