



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 08.03.2017

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH
CrI.O.P. (MD) No.18666 of 2016

WEB COPY

V.Delphin

... Petitioner

-vs-

1. The Superintendent of Police,
Kanyakumari District,
Nagercoil.
2. The Inspector of Police,
Nesamony Nagar Police Station,
Nagercoil.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the respondents to alter the First Information Report in Crime No.413/2016 on the file of the 2nd respondent under section 306 of IPC and to proceed in accordance with law and to pass such further or other order or orders as this Honourable Court may deem fit and proper in the facts and circumstances of the case.

For Petitioner	: Mr.C.T.Perumal
For Respondents	: Mr.K.Anbarasan
	Govt. Advocate (CrI.Side)

O R D E R

This petition has been filed to direct the respondents to alter the First Information Report in Crime No.413/2016 on the file of the 2nd respondent under section 306 of IPC and to proceed in accordance with law.

2. On the complaint given by the petitioner with regard to the death of her daughter, namely, Braineer @ Rashita Princes, the 2nd respondent police registered a case in Crime No.413 of 2016 under Section 174 Cr.P.C. and not satisfied with the progress of the investigation, the petitioner has filed the present petition for a direction to the respondent police to alter the FIR from Section 174 Cr.P.C. to Section 306 IPC.

3. When the matter was taken up for hearing, Mr.Zahir Hussain, the Inspector of Police, Nesamony Nagar Police Station has filed a status report, wherein he has stated that he is awaiting the viscera report and that he has also asked the police to furnish the handwritings of the deceased Braineer so that the same can be sent along with the suicide note to the



handwriting expert through Court. He has also stated that the petitioner has not produced the handwritings of the deceased.

4. In the considered opinion of this Court, the direction as prayed for by the petitioner for alteration of the FIR cannot be granted under Sections 482 Cr.P.C. However, the petitioner is directed to co-operate with the Police by producing necessary particulars and the 2nd respondent Police is directed to conduct the investigation in an unbiased manner and take action in accordance with law.

With the above direction, this petition is disposed of.

Sd/-
Assistant Registrar (P&A)

/True copy/

Sub Assistant Registrar

To:

1. The Superintendent of Police,
Kanyakumari District,
Nagercoil.
2. The Inspector of Police,
Nesamony Nagar Police Station,
Nagercoil.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai

+1 CC to M/s.C.T.PERUMAL, Advocate, SR No. 13809

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PSM/RR/24.03.2017/2P/5C

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