



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.06.2017

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH**Crl.O.P.(MD) No.6919 of 2017**

WEB COPY

Rajafnisha

... Petitioner

-vs-

1.The Superintendent of Police,
Tirunelveli District, Tirunelveli

2.The Deputy Superintendent of Police
Alangulam, Tirunelveli District

3.The Inspector of Police,
All Women Police Station,
Alangulam, Tirunelveli District

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the 3rd respondent police to incorporate Sections 5(f)(i)(j)(l)(m)(o)(p) of the Protection of Children from Sexual Offences Act 2012 and the above said alleged accused into the FIR in Crime No.27 of 2016 dated 23.12.2016 and investigate the same in accordance with law.

For Petitioner : Mr.A.D.Ganeshamoorthi
For Respondents : Mr.K.Anbarasan
Government Advocate (Crl. side)

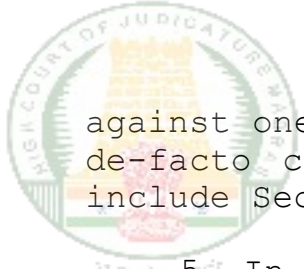
O R D E R

This petition has been filed for a direction to the 3rd respondent police to incorporate Sections 5(f)(i)(j)(l)(m)(o)(p) of the Protection of Children from Sexual Offences Act 2012 and the above said alleged accused into the FIR in Crime No.27 of 2016 dated 23.12.2016 and investigate the same in accordance with law.

2. Heard the learned counsel for the petitioner and the learned Government Advocate for the 5th respondent.

3. Today, Ms.C.Annajothi, Sub Inspector of Police, All Women Police Police Station, Alangulam, Tirunelveli District is present before this Court.

4.Admittedly, in this case, investigation in Crime No.27/2016 has been completed and chargesheet has been filed in Spl.C.C.No.22/2017 before the Additional Mahila Court, Tirunelveli, for offences under Sections 342 IPC and Section 6 of POCSO Act



against one Jebaraja. While so, this petition has been filed by the de-facto complainant for a direction to the respondent police to include Section 5(f) (i) (j) (l) (m) (o) (p) of POCSO Act in the FIR.

5. In the considered opinion of this Court, such a direction to the police cannot be issued by this Court under Section 482 Cr.P.C. inasmuch as this Court cannot direct the police as to how they should have to investigate a case. If such offences get disclosed in the chargesheet and the accompanying documents, it is always open to the trial Court to frame necessary charges.

6. With the above observations, this petition stands dismissed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To:

1.The Additional Mahila Court,
Tirunelveli

2.The Superintendent of Police,
Tirunelveli District, Tirunelveli

3.The Deputy Superintendent of Police
Alangulam, Tirunelveli District

4.The Inspector of Police,
All Women Police Station,
Alangulam, Tirunelveli District

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/s.A.D.GANESHA MOORTHY Advocate in SR. No.59569

RR

JS/SKN.RSK/SAR.2/16.6.2017/3P-7C

Cr1.O.P. (MD)No.6919 of 2017
09.06.2017