

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2018

CORAM :

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.3705 of 2018

Sundarrajan

...Petitioner/
defacto complainant

Vs

The Inspector of Police,
Orathur Police Station
Orathur,
Cuddalore District.
(Crime No.124 of 2016)

...Respondent/
Complainant

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to direct the respondent to include the names of Jansi Rani, Mathematics Teacher and Samuel, Correspondent of SDS Matriculation School, Boothangudi, Sethiathope, as accused as well as including and altering the offences punishable under Sections 307, 323, 325, 109, 341, 34 of I.P.C apart from the offence under Sections 294(b), 323, 506 (i) I.P.C r/w.75 of Juvenile Justice Act, in the charge Sheet No.92 of 2016 dated 10.09.2016 filing in C.M.P.No.4372 of 2017 on the file of the Judicial Magistrate No.II, Chidambaram in Crime No.124 of 2016 on the file of the Inspector of Police, Orathur Police Station, Cuddalore District.

For Petitioner :Mr.D.Santhanakrishnan

For Respondent :Mrs.P.Kritika Kamal
Government Advocate (Crl.Side)

ORDER

The relief sought for in this petition is, to direct the respondent to include the names of Jansi Rani, Mathematics Teacher and Samuel, Correspondent of SDS Matriculation School, Boothangudi, Sethiathope, as accused as well as including and altering the offences punishable under Sections 307, 323, 325, 109, 341, 34 of I.P.C apart from the offence under Sections 294 (b), 323, 506(i) I.P.C r/w.75 of Juvenile Justice Act, in the charge Sheet No.92 of 2016 dated 10.09.2016 filing in

C.M.P.No.4372 of 2017 on the file of the Judicial Magistrate No.II, Chidambaram in Crime No.124 of 2016 on the file of the Inspector of Police, Orathur Police Station, Cuddalore District.

2. On the complaint lodged by the petitioner that his son was harassed in the school, the police registered a case in Crime No.124 of 2016 and after completion of investigation filed a charge sheet for the offences under Sections 294(b), 323, 506 (i) I.P.C r/w. Section 75 of Juvenile Justice Act, against one Sujin, who is said to be the son of the Correspondent of the School. It is the grievance of the petitioner that the police should have included the Maths Teacher and the correspondent of the school as accused. Therefore, the petitioner has filed the present petition with the above prayer.

3. Heard learned counsel for the petitioner and learned Government Advocate (Crl. Side) for the respondent.

4. In view of the law laid down in Shariff Ahmed & Ors. vs. State (NCT of Delhi) reported in (2009) 14 SCC 184, wherein the Hon'ble Supreme Court has clearly stated that the High Court has no jurisdiction to direct the police as to how they should investigate. The Code of Criminal Procedure provides a mechanism for enquiry and trial and a direction as prayed for cannot be granted.

5. In such view of the matter, this petition is closed and it is for the trial court to proceed with the trial, in accordance with law.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
Orathur Police Station
Orathur,
Cuddalore District.

2.The Public Prosecutor,
Madras High Court,
Chennai.

3.The Judicial Magistrate No.II,
Chidambaram.

Crl.O.P.No.3705 of 2018

GP(CO)

RRK(25/04/2018)



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