

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2018

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

Cr1.O.P.No.26091 of 2017

Loganayaki

..Petitioner

vs.

1. The State rep by its.

The Deputy Commissioner of Police,
Deputy Commissioner of Police,
New Washermenpet,
Chennnai.

2. The Inspector of Police,

New Washermenpet,
Chennai- 600 081.

..Respondents

Prayer :- Criminal Original Petition filed under Section 482 of Cr.P.C to direct the respondents to include the section 306 of IPC in Crime No.1353 of 2017 pending on the file of the second respondent police while pending disposal of the above Criminal Original petition.

For Petitioner : Mr.R.Thirumoorthy

For Respondent : Mrs.P.Kritika Kamal
Government Advocate (Cr1.Side)

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O R D E R

This petition is filed to direct the respondents to include the section 306 of IPC in Crime No.1353 of 2017 pending on the file of the second respondent police while pending disposal of the above Criminal Original petition.

2. It is the submission of the learned counsel for the petitioner that the petitioner's daughter might have died due to attack and assault made by one Nagammal. Hence it is submitted that the case having been registered under section 174 Cr.P.C is not proper.

3. In my view alteration of an offence is a matter for investigation which is within the domain of the investigation officer and this Court exercising its power under section 482 of Cr.P.C will not normally interfere with such powers of police.

4. However, in view of the apprehension of the petitioner, it would be appropriate to direct the first respondent herein to monitor the investigation in Crime No. 1353 of 2017 on the file of the second respondent herein till filing of final report/charge sheet.

5. With the above observation, the Criminal Original Petition is disposed of.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Deputy Commissioner of Police,
Deputy Commissioner of Police,
New Washermenpet, Chennai.

2. The Inspector of Police,
New Washermenpet, Chennai- 600 081.

3. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.R.Thirumoorthy, Advocate Sr.No.4793

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KJI(CO)
KP(03/02/2018)