

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.19921 of 2018

M.Renganayagi

.. Petitioner

Vs

1. The Assistant Commissioner of Police,
Anna Nagar Circle,
K-4, Police Station,
Anna Nagar, Chennai -600 040.

2. The Inspector of Police,
K-4 Police Station,
Anna Nagar, Chennai -600 040.

.. Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the Respondent Police herein to alter the penal provisions which are prima facie made out under Section 306, 406 and 498-A of I.P.C in the First Information Report in Crime No.1328 of 2017 pending on the file of the Respondent.

For Petitioner : Mr.G.Mohandoss
For Respondents : Mr.C.Raghavan, GA

O R D E R

This petition has been filed to direct the 2nd respondent to alter the penal provisions which are prima facie made out under Section 306, 406 and 498-A IPC in Crime No.1328 of 2017.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

3.Prema committed suicide by hanging on 13.10.2017 within one year of marriage, pursuant to which, the respondent Police have registered a case in Crime No.1328 of 2017 on 13.10.2017 under Section 174[3] Cr.P.C. Under such circumstances, the petitioner who is the mother of prema has filed the present petition with the above prayer.

4.Unlike the Code of Civil Procedure, which provides for amendment of pleadings, there is no analogous procedure in the Code of Criminal Procedure. However, during the course of investigation, if evidence relating to commission of serious offence come to light, the Police are empowered to file an

alteration report. In this case, Viscera Report itself has not yet been received by the Police and therefore, no direction as prayed for by the petitioner can be granted, especially in the light of the judgment of the PRIVY COUNCIL in King Emperor Vs. Khwaja Nazir Ahmad [(1943-44) 71 IA 203]. However, the Assistant Commissioner of Police is directed to monitor the investigation in Anna Nagar Police Station Crime No.1328 of 2017 that is being conducted by the Inspector of Police, Anna Nagar Police Station and taken action in accordance with law.

With the above direction, this petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

gya
To

- 1.The Assistant Commissioner of Police
Anna Nagar Circle,
K-4, Police Station,
Anna Nagar,
Chennai -600 040.
2. The Inspector of Police,
K-4 Police Station,
Anna Nagar,
Chennai -600 040.
- 3.The Public Prosecutor,
High Court,
Madras.

+2cc to Mr.G.Mohandoss, Advocate SR.NO.56160

SS(CO)
sm:28.8.2018

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