

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.11838 of 2019

M.Rajini

... Petitioner

Vs

1.The Superintendent of Police,  
Dharmapuri District,  
Dharmapuri.

2.The Inspector of Police,  
Kambainallur Police Station,  
Karimangalam Taluk,  
Dharmapuri District 635 202.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondents to alter the charges under Sections 376 and 306 of IPC and 3 of the Protection of Children from Sexual Offences Act in Crime No.27 of 2019 pending investigation on the file of the 2<sup>nd</sup> respondent police.

For Petitioner : Mr.R.Amburosh

For Respondents : Mr.M.Mohamed Riyaz  
Additional Public Prosecutor

O R D E R

This petition has been filed to direct the respondents to alter the charges under Sections 376 and 306 of IPC and 3 of the Protection of Children from Sexual Offences Act in Crime No.27 of 2019 pending investigation on the file of the 2<sup>nd</sup> respondent police.

2.Heard the learned Counsel for the petitioner and learned Additional Public Prosecutor for the respondents.

3.The case of the prosecution is that the petitioner and his wife are the daily wagers. We have three female children and one male child. While the fact is being so, one M.Udhayakannan who was temporarily residing in his Aunty house, which is situated in the petitioner's village. While being so, the said M.Udhayakannan, who had one side love affair with the

petitioner's daughter and conveyed the same to her. However, when the same was refused by the petitioner's daughter, he threatened her that he would commit suicide after writing suicide note in the name of her. Due to the same, the petitioner's daughter was forced to give consent for the love with the said M.Udhayakannan. Though, the petitioner's family narrated all those facts and lodged a complaint with the respondent police, they simply rejected the same and insisted us to sign in a complaint as if the petitioner's daughter committed suicide. Based on the complaint, the respondent police registered a FIR in Crime No.27 of 2019 under Section 174 of Cr.P.C., (Suspicious Death). For the reasons not known to us the respondent police failed to alter the charges under Sections 376 and 306 of IPC and 3 of POCSO Act. Hence this petition.

4.Considering the above facts and circumstances, the petitioner is directed to furnish all the material evidence and documents before the second respondent. On receipt of the same the second respondent is directed to conduct the enquiry and if any cognizable offence made out as requested by the petitioner. The second respondent is directed to file a final report within a period of three months from the date of receipt of a copy of this order.

5.With the above observations and directions, the Criminal Original Petition stands disposed of.

-sd/-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

rna

To

1.The Superintendent of Police,  
Dharmapuri District,  
Dharmapuri.

2.The Inspector of Police,  
Kambainallur Police Station,  
Karimangalam Taluk,  
Dharmapuri District 635 202.

3. The Public Prosecutor,  
High Court of Madras.

SV (CO)

Cr1.O.P.No.11838 of 2019

VS 31.05.2019



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