

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.06.2019

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Cr1.O.P.No.16553 of 2019

R.Jeenath

... Petitioner

Vs.

1.State rep.by,
The Superintendent of Police,
Salem, Salem District.

2.The Inspector of Police,
All Women Police Station,
Attur, Salem District.
(Cr.No.7 of 2018).

3.Rajeshkannan

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to issue the direction to the Superintendent of Police (first respondent) to re-investigation in C.C.No.119 of 2018 against Cr.No.7 of 2018 on the file of the learned Judicial Magistrate No.II, Attur(Salem).

For Petitioner : Mr.L.Baskaran

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

O R D E R

This petition has been filed seeking for re-investigation of the case in Crime No.7 of 2018.

2.It is seen from records that the F.I.R was initially registered for an offence under Sections 417 and 376 of I.P.C against the accused person. Investigation has been completed and subsequently, final report has been filed only for an offence under Section 417 of IPC and 4 of the Tamil Nadu Prohibition of Harassment of Woman Act, 2002. Aggrieved by the deletion of Section 376 of IPC, the present petition has been filed seeking for re-investigation.

3.Heard the learned counsel appearing for the petitioner

and the learned Additional Public Prosecutor appearing on behalf of the respondents.

4.The mere deletion of the offence under Section 376 of IPC is not a ground to order re-investigation. It is always open to the Court below to consider the materials on record and alter the charges by adding Section 376 of IPC, if the offence is made out vide discretion is available to the Court below under Section 216 of Cr.P.C to alter/add charges.

5.In view of the above, the relief sought for by the petitioner cannot be granted by this Court and it is left open to the Court below to take appropriate decision, at an appropriate stage by considering the materials available on record and if alteration of charges is required.

6.This Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

jas/ub

To

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

2.The Inspector of Police,
All Women Police Station,
Attur, Salem District.
(Cr.No.7 of 2018).

3.The Public Prosecutor,
High Court, Madras.

4.The Judicial Magistrate No. II,
Attur, Salem.

+1cc to Mr. L.Baskaran, Advocate, S.R.No. 53107

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PA (CO)
GN(19/07/2019)