

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2020

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

Criminal Original Petition No.10368 of 2014

Krishnamurthy

... Petitioner/Defacto Complainant

-vs-

The State, represented by

Inspector of Police,

D.2, Anna Salai Police Station,

Chennai 600 002.

(Crime No.1170 of 2013) ... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., directing the respondent to alter the case under Section 306 of IPC in Crime No.1170 of 2013 and investigate the same in accordance with law.

For Petitioner : Mr.R.Sankarasubbu

For Respondent : Mr.R.Ravichandran

Government Advocate (Crl.side)

O R D E R

The respondent Police initially registered a case in Crime No.1170 of 2013, for the offence under Section 174 Cr.P.C. Immediately, the petitioner, who is the defacto complainant and the father of the victim approached the respondent Police to register the case under Section 306 IPC. Since there is no positive response from the respondent Police, the petitioner has filed the present petition invoking Section 482 Cr.P.C., to direct the respondent police to alter the offence into Section 306 IPC and to investigate the matter further.

2.The learned counsel for the petitioner submitted that the petitioner's son fell in love with the upper caste girl and married her against the will of her parents. Thereafter, on the instigation of her parents, the girl left the victim and went with her parents and thereafter, she was sent to Malaysia. When the victim filed Habeas Corpus, the girl appeared before the Court and deposed that she is not willing to join the victim. Due to this, the victim committed suicide in a hotel room. Based on the complaint given by the hotel manager, the respondent police registered a case under Section 174 Cr.P.C. Though, the petitioner made a complaint against the girl and her parents and requested them to alter the offence into Section

306 I.P.C., the respondent police has not taken any steps to alter the offence. Therefore, he seeks for a direction to the respondent police to alter the offence and investigate the matter.

3.The learned Government Advocate (Crl.side) would submit that the petitioner has not given any complaint.

4.Heard both sides and perused the records.

5.On a perusal of records, it is seen that the petitioner has made a complaint before the Inspector of Police, D1, Police Station, Chennai-2, to take action against the girl and her parents. However, the learned Government Advocate (Crl.side) submitted that no such complaint was received.

6.Taking into consideration the facts and circumstances of the case, this Court feels it appropriate to direct the respondent Police to alter the case from Section 174 Cr.P.C., into Section 306 I.P.C. and conduct a fair investigation and file a charge sheet within a period of three months from the date of receipt of copy of this order.

7.With the above directions, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar

// True Copy//

Sub Assistant Registrar

rm

To:

1. The Inspector of Police,
D.2, Anna Salai Police Station,
Chennai 600 002.
(Crime No.1170 of 2013)

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

Crl.O.P. No.10368 of 2014

NR(CO)
CSR: 12.03.2020