

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2020

CORAM :

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P.No.17237 of 2020

Sounthiram

...Petitioner

Vs

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

2. The Inspector of Police,
Thalaivasal Police Station,
Salem District.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code to direct the 2nd respondent to alter the offence in FIR under Section 147, 148, 294 (b), 307, 323, 324, 506 (ii) of Indian Penal Code read with Section 4 of Prohibition of Women Harassment Act instead of offences under Section 147, 148, 294 (b), 323, 324, 506 (ii) of Indian Penal Code read with Section 4 of Prohibition of Women Harassment Act in Cr.No.575 of 2020 on the file of 2nd respondent by conducting fair investigation.

For Petitioner : Mr.M.Subash.

For Respondent : Mrs.M.Prabhavathi,

Additional Public Prosecutor

O R D E R

(through Video Conference)

This Criminal Original Petition has been filed seeking for a direction to direct the 2nd respondent to alter the offence in FIR under Section 147, 148, 294 (b), 307, 323, 324, 506 (ii) of Indian Penal Code read with Section 4 of Prohibition of Women Harassment Act instead of offences under Section 147, 148, 294 (b), 323, 324, 506 (ii) of Indian Penal Code read with Section 4 of Prohibition of Women Harassment Act in Cr.No.575 of 2020 on the file of 2nd respondent by conducting fair investigation.

2.Heard Mr.M.Subash, learned Counsel appearing for the Petitioner and Mrs.M.Prabhavathi, learned Additional Public Prosecutor appearing on behalf of the respondent.

3.Today, when the petition is came up for hearing, the learned Additional Public Prosecutor appearing on behalf of the respondent police, on instructions, would submit that in respect of the petition mentioned Crime Number i.e.,Cr.No.575 of 2020, on the file of the second respondent police, the investigation is still pending.

4.In this regard, the learned Counsel appearing for the Petitioner would submit that investigation conducted by the second respondent police was in an biased manner with a view to support the proposed accused. Therefore, the petitioner is before this Court with the prayer stated supra.

5.On considering the rival submissions made by the learned Counsel appearing on either sides, it is a settled position of law that this Court cannot direct the Police Officer to conduct investigation in a manner as directed by this Court and therefore, the prayer sought for by the Petitioner cannot be entertained at this stage. However, considering the nature of offence committed by the proposed accused, it would be appropriate to direct the respondent police to complete the investigation within a time as stipulated by this Court in an unbiased manner.

6.Accordingly, the second respondent is directed to complete the investigation in Cr.No.575 of 2020 as early as possible preferably within a period of three months from the date of receipt of this order in unbiased manner.

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

सत्यमेव जयते

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

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

2. The Inspector of Police,
Thalaivasal Police Station,
Salem District.

3. The Public Prosecutor,
High Court of Madras,
Chennai.

Crl.O.P.No.17237 of 2020

NR(CO)
RV(07/12/2020)



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