



WEB COPY

W.P.(MD)No.5120 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.5120 of 2020

and

W.M.P. (MD)No.4467 of 2020

C.Saravanapandi

... Petitioner

Vs

1.The Superintendant of Police,
Superintendant Office,
Dindigul District.

2.The Deputy Superintendent of Police,
Deputy Superintendent Office,
Nilakottai,
Dindigul District.

3.The Inspector of Police,
Batlagundu Police Station,
Batlagundu,
Dindigul District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to conduct the investigation in Crime No.11 of 2020, dated 09.01.2020 by altered the Section of law into 294(b), 324, 506(ii) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment Women Act and consequently, directing the first and second respondents to supervise the investigation of the aforesaid Crime No.11 of 2020 pending on the file of the third respondent.

For Petitioner : Mr.C.M.Arumugam

For Respondents : Ms.M.Ananthadevi
Govt. Advocate (Crl. Side)

ORDER

This writ petition has been filed for directing the respondents to file an alteration report.

2.The case of the petitioner is that the petitioner's grand mother Muniyammal was brutally attacked by one Rajus on 07.01.2020. In this regard, Crime No.11 of 2020 was registered on the file of the third respondent for

<https://hservices.ecourts.gov.in/hservices/>



the offences under Sections 294(b), 324, 506(2) of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act. The said Muniyammal had passed away after a month.

3.The petitioner's contention is that FIR must be altered to one under Section 302 of IPC.

4.It is not in dispute that after the petitioner's grand mother was admitted to Hospital on 07.01.2020, she was discharged on 14.01.2020. No post mortem was done before she was burried. One is not sure if information about her death reached the third respondent immediately. Therefore, at present, it is not possible to find out, if the death of Muniyammal was due to the occurrence that took place on 07.01.2020 or not. Therefore, I am of the view that no purpose will be served in directing the third respondent to file any alteration reprot. Be that as it may, the Investigating Officer states that final report has already been filed. The jurisdictional Magistrate is directed to take it on file and conclude the trial on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this order.

5.With this direction, this criminal original petition is disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmi

To:

1.The Superintendant of Police,
Superintendant Office,
Dindigul District.

2.The Deputy Superintendent of Police,
Deputy Superintendent Office,
Nilakottai,
Dindigul District.



3.The Inspector of Police,
Batlagundu Police Station,
Batlagundu,
Dindigul District.

4.The Concerned Judicial Magistrate,
Through The Principal District Judge, Dindigul

+1 CC to M/s.C.M.ARUMUGAM, Advocate SR-11661[F] dated 13/03/2020

W.P. (MD)No.5120 of 2020

SM/ (06.05.2020) 3P 6C