



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 09.07.2021

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

W.P. (MD)No.8767 of 2021

and

WMP (MD)No.6590 of 2021

WEB COPY

M.Sujatha

... Petitioner

Vs.

1.The Sub-Inspector of Police,
Karungal Police Station,
Karungal,
Kanyakumari District.

2.Sree Kandan

... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India for issuance of a **Writ of Mandamus**, direct the Judicial Magistrate, Fast Track Court, Eraniel, to alter the charges in C.C.No.343 of 2019 according to law.

For Petitioner : Mr.G.Cenil

For R1

: Mr.R.M.Anbunithi

Additional Public Prosecutor

O R D E R

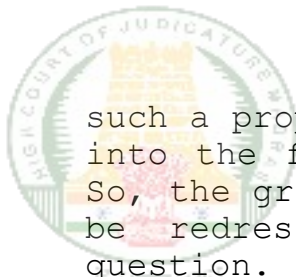
This writ petition is filed seeking a direction to direct the Judicial Magistrate, Fast Track Court, Eraniel, to alter the charges in C.C.No.343 of 2019.

2. The petitioner is the defacto complainant in the above said case, which is pending before the Judicial Magistrate, Eraniel.

3. The grievance of the petitioner is that even though, the case was registered for the offences punishable under Sections 448, 294(b), 323, 324, 354 (a) and 506(ii) of IPC, at the time of filing final report, the accused is charged for the offence punishable under Section 4 of Tamilnadu Prohibition of Woman Harassment Act, 2002, and all other offences were, deleted and omitted. On that ground, he seeks direction, through this petition.

4. The learned Additional Public Prosecutor would submit that sofar three witnesses have been examined and for the purpose of further examining the witnesses, case was posted for 09.07.2021.

5. The grievance of the petitioner is that proper charge has not been framed. It is always available to him to approach the concerned Court through appropriate petition. So, without making,



such a proper petition, before the Trial Court, this Court cannot go into the factual aspect, that has been set out by the petitioner. So, the grievance, that has been expressed by the petitioner, cannot be redressed in this petition since it is involved disputed question.

WEB COPY 6. However, liberty is given to the petitioner to approach the concerned Court through appropriate petition for redressing his grievance.

7. With this liberty, this petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

dss

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Sub-Inspector of Police,
Karungal Police Station,
Karungal,
Kanyakumari District.

W.P. (MD)No.8767 of 2021
09.07.2021

RD(27.07.2021) 2P 2C