



W.P No.27949 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2022

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

W.P No.27949 of 2022

S.Infantsheron

... Petitioner

Vs.

**1.The State of Tamil Nadu,
Rep., by The Inspector of Police,
Pallikaranai Police Station,
St.Thomos Mount.**

2.Deepak Kumar

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the 1st respondent Inspector of Police to incorporate the sections of law u/s 375 & 376 of IPC in the First Information Report concerned in Crime No.592 of 2022 on the file of Pallikaranai Police Station, St.Thomas Mount.

For Petitioner : Mr. J. Ravikumar

**For Respondents : Mr. E. Raj Thilak, for R1
Additional Public Prosecutor**



ORDER

WEB COPY The Writ Petition has been filed to direct the first respondent to incorporate the penal provisions under Sections 375 and 376 IPC in the FIR relating to Crime No.592 of 2022.

2. The petitioner is the defacto complainant who had given a complaint against the second respondent on 05.05.2022 on the allegation that the second respondent had cheated her and raped her, on the false promise to marry her. On the basis of the above complaint, the case has been registered under Sections 417 and 420 IPC.

3. Learned counsel for the petitioner submitted that now, the petitioner has filed this petition to direct the first respondent, police to alter the provisions, by including Sections 375 and 376 as well.

4. If an FIR is registered, it is the duty of the investigation officer to do an impartial investigation, without any interference from any quarters. It is up to the petitioner to participate actively during the investigation and furnish the materials relevant to the case. Since the matter is pending for



W.P No.27949 of 2022

WEB COPY

investigation and final report has not yet filed, it is always possible for the investigation officer either to alter the provisions or to maintain the charge sheet on the same provisions, for which the FIR has been registered.

5. However, it is worthwhile to add that if the final report is not satisfactory to the petitioner, it is always open to her to seek appropriate recourse in accordance with law.

6. With these observations, this Writ Petition is disposed of. No costs.

03.11.2022

Index : Yes/No
Speaking Order : Yes / No
AT

To:

1.The Inspector of Police,
Pallikaranai Police Station,
St.Thomos Mount.

2.The Public Prosecutor,
High Court of Madras.



WEB COPY



W.P No.27949 of 2022

R.N.MANJULA, J.,

AT

W.P No.27949 of 2022

03.11.2022