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Crl.O.P.No.26344/2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2022

CORAM

THE HONOURABLE MS.JUSTICE R.N. MANJULA

Crl.O.P.No.26344 of 2022

Dhatchayani

...

Petitioner

/vs/

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

2.The Inspector of Police,
D-1, Tiruthani Police Station,
Tiruvallur

...

Respondents

Prayer : Criminal Original Petition has been filed under Section 482 Cr.P.C. to direct the respondents to alter the FIR by including section 302 of IPC and to investigate and file the final report in respect of Crime No.1167 of 2021 on the file of the 2nd respondent.

For Petitioner

...

Mr. D.Rajagopal

For Respondents

...

Mr.S.Santhosh

Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition is filed to direct the respondents to alter the FIR by including section 302 of IPC and to investigate and file a



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final report in respect of Crime No.1167 of 2021 pending on the file of the
2nd respondent.

2. The petitioner is the wife of deceased one Kumar. On 9.10.2021, a dead body of a male aged 55 years was found lying in the land belonging to one Ashwini Kumar and Boopathi in Survey No.186/7A, 4B at Tadore village, Serukkanur Panchayat, Tiruthani Taluk. Hence the 2nd respondent has registered an FIR in Crime No.1167 of 2021 under section 174 Cr.P.C., for doubtful death.

3. The learned counsel for the petitioner submits that since the petitioner had doubt about two persons and she strongly suspects that her husband could have been murdered by those persons; she approached the respondent police to alter the charges to Section 302 IPC and continue the investigation and file a final report.

4. The learned Govt. Advocate (crl.side) appearing for the respondent police submitted that the investigation is pending and the police is yet to



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receive the viscera report of the deceased.

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5. The grievance of the petitioner is that her request to alter the charge is not considered. Since the petitioner has also strong suspicion on some named persons, it is appropriate for the respondent police to investigate in the line suggested by the petitioner also, in order to unravel the truth behind the death of her husband. It is up to the petitioner to appear before the investigating officer to give her additional statement, if any. On her appearance, the investigating officer concerned can accommodate to record her statement and continue the investigation and complete the same as expeditiously as possible.

6. With the above observations, this Criminal Original Petition is disposed of.

01.11.2022

Index : Yes/No
Internet : Yes/No
msr



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R.N.MANJULA, J.

msr

To

- 1.The Superintendent of Police,
Thiruvallur District,
Thiruvallur.
- 2.The Inspector of Police,
D-1, Tiruthani Police Station,
Tiruvallur
- 3.The Public Prosecutor,
High Court, Madras.

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