



Crl.O.P.No.26855 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2022

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

Crl.O.P.No.26855 of 2022

R.Bhanu

... Petitioner

/vs/

The Inspector of Police,
Variety Hall Police Station,
Coimbatore City,
Coimbatore District.

... Respondent

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the respondent police to alter the FIR in Crime No.174 of 2022 by including Section 306 of I.P.C. and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998, enquire the case in accordance with law.

For Petitioner

... Mr.C.D.Sugumar

For Respondent

... Mr.S.Santhosh,
Govt. Advocate (Crl. Side)



Crl.O.P.No.26855 of 2022

ORDER

WEB COPY This Criminal Original Petition has been filed to direct the respondent police to alter the FIR in Crime No.174 of 2022 by including Section 306 of I.P.C. and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998, enquire the case in accordance with law.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent.

3. The learned counsel for the petitioner submitted that for a complaint given by the petitioner on 13.09.2022, on the allegation that her minor daughter was harassed and induced to commit suicide by the accused, a case has been registered in FIR No.174 of 2022 on the file of the respondent police for the offences under Section 506(i) of I.P.C.; the grievance of the petitioner is that despite there are materials available to register the case under Section 306 of I.P.C and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, the respondent police did not take appropriate steps and hence she has filed this petition to alter the charges.



Crl.O.P.No.26855 of 2022

4. The learned Government Advocate (Crl.Side) submitted that the investigation is still pending; it is upto the petitioner to give her statement by making her appearance before the respondent police with regard to the allegation stated by her. He also submitted that the petitioner did not cooperate for investigation; even if the Investigating Officer goes to the residence of the petitioner to record the statement, the petitioner does not understand his object.

5. It is learnt that the daughter of the petitioner is alive and hence no case can be registered under Section 306 I.P.C. Since the petitioner has alleged about the harassment to her minor daughter by the accused, it is obligatory on the part of the respondent police to do investigation in the lines stated by the petitioner and do the needful in accordance with law. The petitioner is also at liberty to appear before the respondent police and give her statement if any and submit the materials before the respondent police. Since the investigation is pending, the respondent police should be allowed to do independent investigation to alter the charges. Unless materials collected by the Investigating Officer himself reveals the grounds



CrI.O.P.No.26855 of 2022

to charge the accused under relevant provisions of law, the charges cannot be altered. Since the victim is a minor girl, I feel the respondent should have more sensitivity while investigating the case and do the needful in accordance with law.

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

04.11.2022

Index: Yes/No
Internet: Yes/No
gsk



Crl.O.P.No.26855 of 2022

To
WEB COPY

- 1.The Inspector of Police,
Variety Hall Police Station,
Coimbatore City,
Coimbatore District.
- 2.The Public Prosecutor,
High Court, Madras.



WEB COPY



CrI.O.P.No.26855 of 2022

R.N.MANJULA ,J.

gsk

CrI.O.P.No.26855 of 2022

04.11.2022