

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No.14643 of 2016

N.Prabhavathi

... Petitioner

Vs

1.The State of Tamil Nadu,
Rep. by Inspector of Police,
All Women Police Station,
Sirkazhi,
Nagapattinam District.

2.The Additional District Superintendent of Police,
Nagapattinam,
Nagapattinam District.

... Respondents

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the respondents to add the offence of rape under Section 376 IPC in the FIR in Crime No.3 of 2016 on the file of the 1st respondent and prosecute the accused and secure punishment for him in accordance with law.

For Petitioner : Mr.S.Ayyathurai

For Respondents : Mr.C.Emalias,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the respondent to include the offence under Section 376 IPC in Crime No.3 of 2016 and take action in accordance with law.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. On the complaint given by the petitioner, the respondent-Police have registered a case in Crime No.3 of 2015 for the offences under Sections 294(b), 418, 420, 506(i) and 120A IPC against five persons and investigation is pending.

4. The petitioner who is the defacto complainant has now approached this Court for a direction to the respondent to amend the FIR and include offence under Section 376 IPC.

5. In the considered opinion of this Court, such a direction under 482 Cr.P.C. cannot be issued. However, during the course of investigation, if materials disclosing crime of higher offence surfaces, it is needless to state that the respondent-Police shall file an alteration report in accordance with law.

6. With the above direction, this petition is closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To

- 1.The Inspector of Police,
All Women Police Station,
Sirkazhi,
Nagapattinam District.
- 2.The Additional District Superintendent of Police,
Nagapattinam,
Nagapattinam District.
- 3.The Public Prosecutor,
High Court, Chennai.

+1cc to Mr.S.Ayyathurai, Advocate sr.39749

Crl.OP.No.14643 of 2016

pa[col]
srg 04/08/2016

WEB COPY