

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23..09..2016

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

Criminal Original Petition No.21710 of 2016

Jacklin Marry

... Petitioner

-Versus-

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

2.The Inspector of Police,
Kalpakkam Police Station,
Kalpakkam, Kanchipuram District. ... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the 2nd respondent police to alter the section in the FIR to include Section 376 of IPC, in Crime No.165 of 2016.

For Petitioner : Mr.A.Venkatesan

For Respondent(s) : Mr.C.Emalias, Additional
Public Prosecutor

ORDER

This petition has been filed seeking a direction to the 2nd respondent to alter the FIR registered in Crime No.165 of 2016 by including an offence punishable under Section 376 of IPC.

2. The petitioner filed CrI.M.P.No.3535 of 2016 before the learned Judicial Magistrate, Thirukazhumundram and on the directions issued by the learned Magistrate under Section 156(3) of Cr.P.C., the respondent police registered a case in Crime No.165 of 2016 against (1) Ravikumar and (2) Kamaraj under Sections 417, 420, 294(b), 323, 506(i) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002. Now, the petitioner is before this court for a direction to the respondent police to alter the FIR by including an offence of rape which is punishable under Section 376 of IPC.

3. On a reading of the complaint made by the petitioner, it is apparent that the petitioner had consensual sex with the accused and that the petitioner is not a minor. Even according to the petitioner, she was married to one Mr.Selvanathan and she has been having extra marital affairs with the accused. In such circumstances, no direction as prayed for by the petitioner could be granted.

4. In the result, this Criminal Original Petition is dismissed.

kmk

Sd/-
Assistant Registrar (CS-III)
/TRUE COPY/
Sub-Assistant Registrar

To

- 1.The Superintendent of Police,
Kanchipuram District,
- 2.The Inspector of Police,
Kalpakkam Police Station,
Kalpakkam, Kanchipuram District.
- 3.The Public Prosecutor,
High Court, Chennai.

Crl.O.P.No.21710 of 2016

NMI [CO]

MK:25/10/2016

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