

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.17125 of 2018

M.Vijayalakshmi

... Petitioner

Vs

1.State rep. by

Superintendent of Police,
Office of the Superintendent of Police,
Coimbatore District.

2.State rep. By

Inspector of Police,
Periyanaickenpalayam Police Station,
Coimbatore District,
(Crime No.197/2018)

... Respondents

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the second respondent to alter the Sections in the FIR No.197 of 2018 as 294(b), 324, 323, and 506(ii) I.P.C and Section 4 of TNPHW Act instead of Section 106 I.P.C and also file final report.

For Petitioner : Mr.M.N.Balakrishnan

For Respondents : Mr.C.Raghavan,
Government Advocate

O R D E R

This Criminal Original Petition has been filed seeking a direction to the second respondent to alter the Sections in the FIR No.197 of 2018 as 294(b), 324, 323, and 506(ii) I.P.C and Section 4 of TNPHW Act instead of Section 106 I.P.C and also file final report.

3. The respondent police registered a suo-moto FIR in Crime No. 197 of 2018 on 07.05.2018 under Section 160 I.P.C against A-party and B-party. While so, the petitioner is a member of B-party has filed the present petition for alteration of the FIR on the ground that she had suffered serious injuries.

4. Heard Mr.M.N.Balakrishnan, learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

5. In a case of affray and rioting, it is difficult for the police to determine at the threshold, as who was the offender. Hence, a direction to the respondent police to alter the FIR cannot be granted. However, if during the course of investigation, it is found that the opposite party was aggressor and that the petitioner was the victim, it is need less to state that the police can file an alternation report.

With the above observation, this petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

gmd

To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Coimbatore District.
- 2.The Inspector of Police,
Periyanaickenpalayam Police Station,
Coimbatore District,
(Crime No.197/2018)
- 3.The Public Prosecutor,
High Court, Madras.

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