

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2020

CORAM

THE HON'BLE Mr. JUSTICE P.N. PRAKASH

Crl.O.P.No.5371 of 2018

R.Kirbavathi

... Petitioner

Vs.

State represented by
The Inspector of Police (Law and Order),
N-2, Kasimedu Police Station,
Royapuram, Chennai - 600 013.
(Crime No.1081 of 2014)

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent to alter the final report in C.C.No.712 of 2015 in Crime No.1081 of 2014 on the file of the XVI Metropolitan Magistrate Court, George Town, Chennai.

For Petitioner : Mr.D.Umashankar

For Respondent : Mrs.P.Kritika Kamal
Govt.Advocate
(Crl.Side)

O R D E R

This case is taken up through video conferencing.

2. This criminal original petition is filed to direct the respondent to alter the final report in C.C.No.712 of 2015 in Crime No.1081 of 2014 on the file of the XVI Metropolitan Magistrate Court, George Town, Chennai.

3. On a complaint lodged by Kirbavathi, the police registered a case in Crime No.1081 of 2014 on 07.10.2014 for the offences under Sections 294(b), 323, 354 and Section 4 of the the Tamil Nadu Prohibition of Harassment of Women Act, 1998 (for brevity "the TNPHW Act"), against Pasupathi and Mohan Kumar.

4. After completing the investigation, the police filed final report in C.C.No.712 of 2015 before the XVI Metropolitan Magistrate Court, George Town, Chennai, against Pasupathi and Mohan Kumar, for the offences under Sections 294(b), 323 r/w 34 IPC.

5. Since the police had not included Section 354 IPC and Section 4 of the TNPWH Act in the final report, the de facto complainant has preferred the present petition seeking the aforesaid direction.

6. In the opinion of this Court, the direction as prayed for by the petitioner cannot be issued under Section 482 Cr.P.C., since it is always open to the trial Court to alter the charges under Section 216 Cr.P.C. That apart, the learned Government Advocate (Crl.Side) submitted that 12 witnesses have been examined in this case and what remains is only the examination of the Investigating Officer.

In view of the above, this criminal original petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

- 1.The XVI Metropolitan Magistrate,
George Town, Chennai.
- 2.The Inspector of Police (Law and Order),
N-2, Kasimedu Police Station,
Royapuram, Chennai - 600 013.
- 3.The Public Prosecutor,
High Court, Madras.

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srg 07/10/2020