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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2021

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.34331 OF 2016

AND

W.M.P.NO.29603 OF 2016

Mrs.Ranjitham

...Petitioner

Vs

1. The State Government of Tamil Nadu,
Rep.by its Secretary,
Medical Department,
Secretariat,
Fort St.George, Chennai - 600 009.
2. The Department of Forensic Medicine,
Rep.by its Director,
30-A, Kamarajar Salai,
Mylapore, Chennai - 600 004.
3. The Department of Forensic Medicine,
Rep.by its Chief Surgeon,
Government Villupuram Medical College,
Villupuram - 605 601.
4. The Inspector of Police,
Office of the Inspector of Police,
Virudhachalam Police Station,
Virudhachalam Taluk,
Cuddalore District.

... Respondents

PRAYER :

Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 4th respondent to alter the Section from 174 Cr.P.C. to 302 of I.P.C in the F.I.R. in Crime No.458 of 2015 dated 07.06.2015 and take necessary action.



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For Petitioner : Mr.R.Gopinath
For Respondents : Mr.C.Kathiravan
Government Advocate
[For R1 to R4]

O R D E R

The relief sought for in the present writ petition is to direct the 4th respondent to alter the Section from 174 Cr.P.C. to 302 of I.P.C in the F.I.R. in Crime No.458 of 2015 dated 07.06.2015 and take necessary action.

2. The very nature of relief as such sought for in the present writ petition cannot be considered by this Court at all. A criminal case was registered by the fourth respondent / Inspector of Police under Section 174 Cr.P.C. The petitioner now seeks to alter the Section in the criminal case as 302.

3. It requires an elaborate adjudication and moreover, such an alteration cannot be done by filing a writ proceedings under Article 226 of the Constitution of India. Thus, the petitioner has to redress his remedy in the manner known to law.

4. With these observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Medical Department,
Secretariat,
Fort St.George, Chennai - 600 009.
2. The Director,
Department of Forensic Medicine,
30-A, Kamarajar Salai,
Mylapore, Chennai - 600 004.



3. The Chief Surgeon,
Department of Forensic Medicine,
Government Villupuram Medical College,
Villupuram - 605 601.

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4. The Inspector of Police,
Office of the Inspector of Police,
Virudhachalam Police Station,
Virudhachalam Taluk,
Cuddalore District.

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GJ(CO)
PM/17/11/2021