



Crl.O.P.No.13294 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.13294 of 2023
and Crl.M.P.No.8032 of 2023

D.Jayanthi Margret

... Petitioner

Vs.

The Inspector of Police,
Kelambakkam Police Station,
Kelambakkam,
Chengalpattu District

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the respondent herein namely the Inspector of Police, Kelambakkam Police Station, Kelambakkam, Chengalpattu District, to alter the include Section 5 of TNPPDL Act, 1992 and Section 307 of I.P.C r/w Section 34 of I.P.C. in the F.I.R. registered in Crime No.472 of 2022 pending before him.

For Petitioner : Mr.E.Angayarkanni

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to direct the respondent



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herein namely the Inspector of Police, Kelambakkam Police Station, Kelambakkam, Chengalpattu District, to alter the include Section 5 of TNPPDL Act, 1992 and Section 307 of I.P.C r/w Section 34 of I.P.C. in the F.I.R. registered in Crime No.472 of 2022 pending before him.

2.The learned counsel for the petitioner submitted that petitioner is defacto-complainant in Cr.No.472 of 2022 registered for the offences under Section 427 and 506 (1) I.P.C. 1860, by the respondent. The First Information Report ought to have been registered for the aforesaid offences along with the offence under Section 5 of TNPPDL Act, 1992 and Section 307 I.P.C. r/w Section 34 of I.P.C. Since that is not done, this petition is filed.

3.In response, the learned Government Advocate (Criminal side) submitted that investigation in this case is pending and the petitioner's claim would be considered in the course of investigation and appropriate final report would be filed by including the necessary provisions.

4.It is seen from the First Information Report allegations that on 10.11.2022 at about 3.40p.m. the defacto-complainant was travelling in her car bearing No.TN-11-U-6215. When the car approached Mambakkam



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Panchayat, two students came in a two-wheeler and thrown a black stone weighing 2 kg on the rear mirror of the car. As a result, the rear mirror was broken and the stone fell on the driver's legs. When the car was stopped, defacto-complainant's driver tried to identify the riders, the riders of the two-wheeler cursing the defacto-complainant and fled. The First Information report allegations clearly show that accused had used black stone to attack the defacto-complainant. It is nothing but an attempt made on the life of the defacto-complainant while she was sitting in a car. Therefore, respondent is directed to take into consideration the submission of petitioner for including aforesaid provisions in the final report, if there are materials available and proceed to file the final report under the appropriate provisions of law, within a period of three months from the date of receipt of copy of this order.

5. With the above direction, this Criminal Original Petition is allowed.

Consequently, connected miscellaneous petition is closed.

15.06.2023

Internet: Yes
Index: Yes/No
ep



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G.CHANDRASEKHARAN, J.

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To:

1.The Inspector of Police,
Kelambakkam Police Station,
Kelambakkam,
Chengalpattu District.

2.The Public Prosecutor
Madras High Court.

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