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Crl.O.P.No.13713 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:20.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.13713 of 2023

Sheela
Petitioner

...

Vs.

1. The Commissioner of Police,
Tambaram,
Tambaram City.

2. State Rep By:-
The Inspector of Police,
Kundathur Police Station,
Tambaram

...

Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the 2nd respondent police to alter the FIR and include section 294(b), 324, 307 and 506(ii) of IPC committed by the accused in respect of the Crime No.830 of 2022 dated 27.12.2022

For Petitioner : Mr.A.Saranraj

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



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ORDER

This Criminal Original Petition has been filed to direct the 2nd respondent police to alter the FIR and include section 294(b), 324, 307 and 506(ii) of IPC committed by the accused in respect of the Crime No.830 of 2022 dated 27.12.2022.

2. The learned counsel appearing for the petitioner submitted that, petitioner is the defacto complainant in Crime No.830 of 2022 registered for the offences under Sections 294(b), 323 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act. He further submitted that, during the incident that had happened on 26.12.2022, accused had attacked the defacto complainant, as a result, she suffered pelvic fracture. He further submitted that, FIR ought to have been registered for the offences under Sections 324, 307 and 506(II) of IPC , but it was registered only for the offences under Sections 294(b), 323 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act. Therefore, present petition is filed.

3. The learned Government Advocate (Crl. Side) submitted that, submission of the learned counsel for the petitioner would be taken into



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consideration by the Investigation Officer and appropriate final report will be filed including appropriate provisions of law.

4. Considered the rival submissions and perused the records. It is seen from the copy of the discharge summary produced for the petitioner that, petitioner suffered right intertrochanteric fracture. Therefore, there is no doubt, offence under Section 307 is clearly made out.

5. Thus, this Court directs the respondent police to consider the nature of the injuries suffered by the petitioner and the allegations made in the FIR, the statement of the witnesses and file appropriate final report including appropriate provision of Indian Penal Code. Final Report should be filed within a period of two months from the date of receipt of copy of the order.

5. With the above observations and direction, this Criminal Original Petition is disposed of.

20.06.2023

Internet:Yes
Index:Yes/No
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G.CHANDRASEKHARAN, J.

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To:

1. The Commissioner of Police,
Tambaram,
Tambaram City.
2. The Inspector of Police,
Kundathur Police Station,
Tambaram
3. The Public Prosecutor,
High Court of Madras.

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