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Crl.O.P.No.23303 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.10.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.23303 of 2023

Mrs.Geetha

... Petitioner

-VS-

- 1.The Superintendent of Police,
Mayiladuthurai
Dis-Mayiladuthurai.
- 2.The Inspector of Police,
Mayiladuthurai Police Station,
Mayiladuthurai District.
- 3.The Sub-Inspector of Police,
Mayiladuthurai Police Station,
Mayiladuthurai District.
- 4.P.Premananth

...Respondents

PRAYER : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to direct the Respondents 1 to 3 herein to alter the FIR No.473 of 2023 dated 06.07.2023 on the file of the 3rd Respondent by including Section 3 (i) (a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, (Act No.33 of 1989).



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For Petitioner : Mr.G.Vikash Anand
For Respondents : S.Udaya Kumar
Government Advocate (Crl.Side)

ORDER

The grievance of the petitioner is the defacto complainant in Crime No.473 of 2023 is that she being a member of Scheduled Caste Community and offences has been committed against her for being member of Scheduled Caste, the FIR registered against the 4th respondent be altered by including penal provisions under the SC/ST POA Act, 1989.

2. The reading of the FIR, on the face of it, does not make any specific allegation which would attract the provisions of SC/ST Act, except a vague reference that SMS was sent desecrating her community. It is for the Investigation Officer to probe into those details and if any offence cognizable under the SC/ST Act, prima facie made out while filing the final report, the charge will be altered and necessary objection filed. This is too premature for the Court to interfere in the investigation and command the Investigation Officer to include or not to include certain provisions of law. Hence, this petition is dismissed.

12.10.2023

Index : Yes/No
Neutral Citation : Yes/No
rkp

<https://www.mhc.tn.gov.in/judis>



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To

- 1.The Superintendent of Police,
Mayiladuthurai District.
- 2.The Inspector of Police,
Mayiladuthurai Police Station,
Mayiladuthurai District.
- 3.The Sub-Inspector of Police,
Mayiladuthurai Police Station,
Mayiladuthurai District.
- 4.The Public Prosecutor,
Madras High Court, Madras.



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Dr.G.JAYACHANDRAN, J.

rkp

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