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Crl.O.P.No.25470 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.11.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.25470 of 2023

Nikshitha

... Petitioner

Vs.

State Rep.by
The Inspector of Police,
Madhavaram Police Station,
Chennai District.
Crime No.457 of 2023

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to direct the respondent to alter the FIR in Crime No.457 of 2023 on the file of the respondent and include the offences under Section 3(1)(r) of SC and ST Act, Section 4 of Women Harassment Act, Section 312, 354, 376, 417 and 509 IPC.

For Petitioner : Mr.R.Sunil Kumar

For Respondent : Mr.S.Udaya Kumar
Government Advocate (Criminal Side)

ORDER

The petitioner herein who is the defacto complainant seeks alteration of the FIR in Crime No.457 of 2023 alleging that the complaint has made out for the offence under Sections 3(1)(r) of SC and ST Act, Section 4 of



Women Harassment Act, Section 312, 354, 376, 417 and 509 IPC. However, the respondent police had registered the complaint only under Sections 306 and 511 IPC.

2. The reading of the FIR dated 03.10.2023 regarding occurrence took place on 02.10.2023 was based on the statement given by the petitioner herein while she was in the hospital taking treatment for consuming poisonous substance (Lizol). FIR is not an encyclopaedia of entire offence, it only to set the criminal law into motion. The Investigating Officer after examination of witnesses have every right and discretion to alter the FIR based on the information collected. The petitioner herein need not apprehend that because FIR has been registered only for offence under Sections 306 and 511 IPC and the other criminal provisions made out will not be included.

3. The learned Government Advocate (Crl.Side) appearing for the State submits that the investigation is in process and appropriate alteration of charges will be made in the course of investigation before filing final report. If she has any further information, she can appear before the



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Investigating Officer and give further statement.

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4. Recording the same, this Criminal Original Petition is disposed of.

07.11.2023

Index : Yes/No

Neutral Citation : Yes/No

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To

1.The Inspector of Police,
Madhavaram Police Station,
Chennai District.

2.The Public Prosecutor,
High Court of Madras,
Chennai.

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Dr.G.JAYACHANDRAN, J.

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