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CrI.OP.No21005 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.OP.No.21005 of 2024

Rajeshwari

... Petitioner

Vs.

1. The Superintendent of Police,
Coimbatore District.

2. The Inspector of Police,
Valparai Police Station,
Coimbatore District.

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS Act 2023 to direct the second respondent to alter the FIR in Cr.No.88 of 2024 by including the relevant sections namely Section 109, 118(2) of BNS Act and under Section 3(r) & (s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 4 of Tamilnadu Prohibition of Harassment of Women Act and to add two other persons namely Prakash and Kalaiselvi as accused, by considering the petitioner's representation dated 15.07.2024 and to complete the investigation within a time limit to be stipulated by this Court.

For Petitioner : Mr.S.Ashok Kumar



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For Respondents : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)

ORDER

The petitioner herein who has given a complaint against his neighbours for assault and abusing in filthy language is now before this Court to direct the respondent police to alter the charges and adds certain grave offence like attempt murder and also offences under the Special Act SC/ST(Prevention of Atrocities) Act, 1989 and Section 4 of Tamilnadu Prohibition of Harassment of Women Act.

2. The reading of the complaint does not indicate any ingredients to attract the offences under these two Special Act. As far as the allegations that the assault was with intention to cause murder, it is for the Investigating Officer to investigate and find whether there was any intention to commit murder and if so necessary alteration of charge to be done based on the statements and evidence collected.

3. Having given complaints against two persons specifically well



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known to the complainant, it is an after thought of the petitioner to add some more accused persons in the complaint and add offences under Special Acts, hence, to that extent, this Criminal Original Petition is dismissed.

4. As far as allegation regarding attempt murder, it is for the Investigating Officer to take appropriate action based on the statements and wound certificate.

30.08.2024

Vv

To

1. The Superintendent of Police,
Coimbatore District.
2. The Inspector of Police,
Valparai Police Station,
Coimbatore District.
3. The Public Prosecutor,
High Court of Madras, Chennai.

Dr.G.JAYACHANDRAN,J.



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