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Crl.O.P.No.7925 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2025

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.7925 of 2025

R.Karthik

... Petitioner

Vs.

1. The State Represented by
The Deputy Superintendent of Police,
Arakkonam Taluk Police Station,
Ranipet District.

2. The Inspector of Police,
Arakkonam Taluk Police Station,
Ranipet District,
Crime No.360 of 2024.

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to set aside the alteration report in Crime No.260 of 2024 dated 08.11.2024 filed by the second respondent and to consequently direct the first respondent to re-investigate the case and file a alteration report afresh within a stipulated time frame fixed by this Court.

For Petitioner : Mr.B.Mohan

For Respondents : Dr.C.E.Pratap
Government Advocate (Crl.Side)



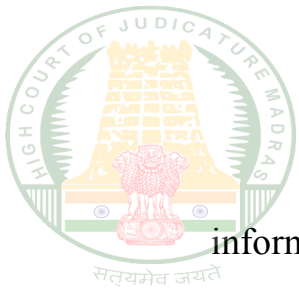
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ORDER

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This Criminal Original Petition is filed to set aside the alteration report filed by the second respondent in Crime No.260 of 2024 dated 08.11.2024 and consequently to direct the first respondent to re-investigate the case and file a alteration report afresh, within a stipulated time frame that may be fixed by this Court.

2. Learned counsel for the petitioner submitted that on 05.11.2024, when the petitioner's father's health was deteriorating, he was taken to Government Hospital, Arakkonam in the car belonging to the petitioner's uncle, which was driven by the petitioner's brother and the petitioner and his mother accompanied with them. While they were on their way to the hospital on the Arakkonam-Sholingur State Highway, a grey colour car came in the wrong direction without any indication and dashed against the car of the petitioner. When the same was questioned by the petitioner and his family members, the accused persons gathered and abused them in filthy language and attacked the petitioner and his family members by using wooden logs and other items, as the petitioner belongs to the members of Scheduled Caste community. Moreover, the petitioner had



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informed about the ill health of his father and also requested the accused persons to leave a way for them. However, the accused persons brutally attacked the petitioner and his family members and due to that, the petitioner's mother and father were admitted in the hospital and subsequently, the petitioner's father died during the treatment. Learned counsel further submitted that petitioner and his brother had informed about the said occurrence to the respondents-Police. However, suppressing the real facts and circumstances and with concocted facts the respondents/Police had registered a case in Crime No.360 of 2024 for the alleged offences punishable under Sections 191(2), 191(3), 296(b), 115(2), 118(1), 103(1), 351(3) of BNS, 2023 and Sections 3(1)(r), 3(1)(s), 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 [hereafter referred to as 'SC/ST Act, 1989']. Subsequently, the respondents-Police filed an alteration report dated 08.11.2024 before the Jurisdictional Court for the offences punishable under Sections 126(2), 296(b), 118(1), 105 and 351(3) BNS, 2023 read with 3(i)(r), 3(i)(s) and 3(2)(va) of SC/ST Act, 1989. Learned counsel further submitted that due to the attack made by the accused persons, the petitioner's father died, however, the respondents-Police, in order to



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escape the accused persons from the serious offence of Section 302 IPC, altered the charge sheet as per their convenience. Therefore, the same is liable to be struck down.

3. Learned Government Advocate (Crl.Side) appearing for the respondents, on instructions, submitted that, on the date of occurrence, the father of the petitioner was suffering cardiac attack and they were on their way to the hospital, the said incident had occurred. The petitioner's father died due to his ailment, but not on the attack made by the accused persons and same was proved by the prosecution through Post-Mortem report. He further submitted that after thorough investigation, the respondents-Police filed the alteration report.

4. Admittedly, the case was registered against the accused persons for the offences punishable under Sections 191(2), 191(3), 296(b), 115(2), 118(1), 103(1) and 351(3) of BNS, 2023 and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (POA) Act, 1989. Subsequently, the deceased was admitted in the hospital and thereafter he died and therefore, the respondents/Police filed altered charge sheet 08.11.2024 for the offences punishable under Sections 126(2), 296(b), 118(1), 105 and 351(3) BNS, 2023 read with 3(i)(r), 3(i)(s) and 3(2)(va) of SC/ST



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Act, 1989.

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5. On a reading of the complaint and also medical records, it is clear that the petitioner and his family members were brutally attacked by the accused persons and due to the said attack, the father of the petitioner died. This Court finds that respondents-Police have not acted fairly and the investigation has not been done only in accordance with law. Hence, the alteration report filed by the respondents-Police, is liable to be set aside.

6. Hence, the alteration report filed by the second respondent in Crime No.260 of 2024 dated 08.11.2024 is set aside and as a sequel, the Criminal Original Petition is allowed. The second respondent/Police is directed to conduct fresh and fair investigation and record the statements of the witnesses and file a fresh final report in accordance with law.

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Index : Yes/No
Neutral Citation Case : Yes/No
Speaking Order : Yes/No
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1. The Deputy Superintendent of Police,
Arakkonam Taluk Police Station,
Ranipet District.
2. The Inspector of Police,
Arakkonam Taluk Police Station,
Ranipet District.
3. The Public Prosecutor,
High Court, Madras.



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