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CrI.O.P.No.8947 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

CrI.O.P.No.8947 of 2025

K.Selvamani

... Petitioner

Vs

1.The State Represented by
The Sub-Collector,
O/o. The Sub-Collector,
Thiruvallur District.

2.The Superintendent of Police,
Thiruvallur.

3.The Inspector of Police,
B-4, Sevvapatai PS,
Thiruvallur.
(Crime No.312 of 2015)

... Respondents

Prayer : Criminal Original Petition has been filed under Section 528 of BNSS Act, 2023, pleaded to direct the respondents 2 and 3 to alter the section from 174 Cr.P.C., to 304 IPC based on the 1st respondents proceedings bearing RC.2845/2018/A3, dated 19.10.2019.

For Petitioner : Mr.K.Sathish



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For Respondents : Mr.A.Gopinath,
Government Advocate (Crl. Side)

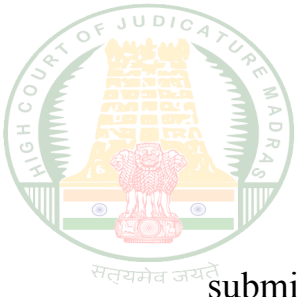
ORDER

This Criminal Original Petition has been filed for direction directing the respondents 2 and 3 to alter the Section 174 Cr.P.C., to Section 304 of IPC based on the 1st respondents proceedings bearing RC.2845/2018/A3, dated 19.10.2019.

2. Heard both sides and perused the materials available on record.

3. On the complaint lodged by the petitioner, the first respondent registered FIR in Crime No.312 of 2015 under Section 174 of Cr.P.C alleging that while the petitioner's husband was riding his motorcycle along with his daughter in the highways, due to sudden fall of coconut tree in the head, the petitioner's husband sustained injuries and died. In order to claim compensation, the petitioner filed this petition for direction to alter the offence in the FIR. Without fixing any accused, the section cannot be altered into Section 304 of IPC.

4. On instructions, the learned Government Advocate (Crl.side)



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submitted that the FIR in Crime No.312 of 2015 has been closed as “Further Action Dropped”.

5. In view of the above, the direction sought for in this petition cannot be granted. Accordingly, this Criminal Original Petition is dismissed.

26.03.2025

Index: Yes/No
Speaking Order: Yes/No
mn

To

1. The Sub-Collector,
O/o. The Sub-Collector,
Thiruvallur District.
2. The Superintendent of Police,
Thiruvallur.
3. The Inspector of Police,
B-4, Sevvapatai PS,
Thiruvallur.
4. The Public Prosecutor,
High Court, Madras.

G.K.ILANTHIRAIYAN,J.



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