



CrI.O.P.No.18579 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2025

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CrI.O.P.No.18579 of 2025

V.Rajini

... Petitioner

Vs.

1. The Commissioner of Police,
Tambaram,
Office of the Commissioner of Police,
Elcot Sez, Karapakkam,
Sholinganalur, Chennai – 600 119.
2. The Inspector of Police,
T-18, Thazhambur Police Station,
Navalur, Chennai – 600 130,
Crime No.138 of 2025.

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 BNSS, 2023, to direct the respondents to alter the FIR in Crime No.138 of 2025 pending investigation on the file of the 2nd respondent-Police by invoking appropriate provisions under BNS.

For Petitioner : Mr.K.Thilageswaran

For Respondents : Mr.S.Vinoth Kumar
Government Advocate (CrI.Side)

ORDER



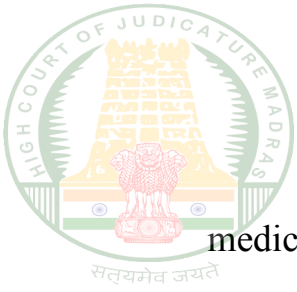
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The Criminal Original Petition is filed seeking a direction to the respondents-Police to alter the FIR in Crime No.138 of 2025 pending investigation on the file of the 2nd respondent-Police by invoking appropriate provisions under the BNS, 2023.

2. Learned counsel for the petitioner submitted that the *de-facto* complainant/victim is none other than the daughter of the petitioner herein, who had sustained grievous injuries in the alleged occurrence. Despite the reasons best known to the second respondent-Police, they registered an FIR as if the victim had sustained simple injuries. He further submitted that though the alleged occurrence attracts Sections 124, 62, 74 and 79 of the BNS and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, the second respondent-Police registered the FIR only for the offence punishable under Section 109(1) of the BNS. Hence, the present petition.

3. Learned Government Advocate (Crl.Side) appearing for the respondents-Police, on instructions, submitted that after recording the statement of the witnesses and the victim and also after collecting the



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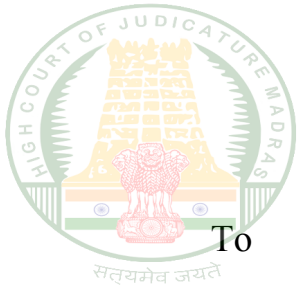
medical evidence, the respondents-Police altered the Sections and registered the FIR. He further submitted that investigation is under progress.

4. Heard the learned counsel on either side and perused the materials available on record.

5. When once the *de-facto* complainant had given the complaint and whose statement is recorded, they have to wait for filing of the final report. In case, the final report has not made out any requirement, they can challenge the same and they can go for further investigation. However, either any one of the party or the *de-facto* complainant cannot file the petition after petition each and every stage of investigation by the Police. In the case on hand, the respondents-Police, pending investigation, had altered the Sections in the FIR. Therefore, the petitioner is not inclined to get the relief as sought for in this petition. Accordingly, the Criminal Original Petition is dismissed.

03.07.2025

Index : Yes/No
Neutral Citation Case : Yes/No
Speaking Order : Yes/No
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To

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2. The Inspector of Police,
T-18, Thazhambur Police Station,
Navalur, Chennai – 600 130,
3. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J

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