



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-09-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 1802 of 2025

AND

CRL MP NO. 17865 OF 2025 & CRL MP NO. 17867 OF 2025

Thomas
S/o.Selvaraj,
No.2/104, Kathaan Street, Periya
Natham, Chengalpattu District.

Petitioner(s)

Vs

The State Rep by,
The Inspector of Police,
All Women Police Station,
Chengalpattu.

Respondent(s)

CRL RC No. 1802 of 2025

PRAYER

To call for the records and set aside the order dated 11.06.2025 passed in Crl.M.P.No.663/2025 by Learned Additional Mahila Judge at Chegalpattu in CC No.913/2022 pending trial before the Additional Mahila Judge at Chengalpattu.



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For Petitioner(s): Mr. R.Vivekananthan

For Respondent(s): Dr.C.E.Pratap,
Govt. Advocate (Crl. Side)**ORDER**

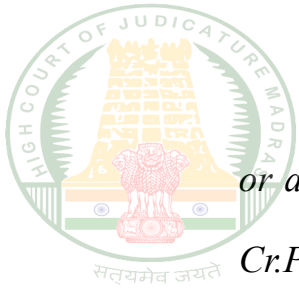
Challenging the impugned order dated 11.06.2025 passed in Crl.M.P.No.663 of 2025 in C.C.No. 913 of 2022, by the Addl. Mahila Judge at Chengalpattu, the petitioner had preferred this Criminal Revision Case.

2. The learned counsel for petitioner would submit that the trial court failed to take note of the fact that there was no prima facie materials collected in order to implicate the accused under Sec. 354 of I.P.C. In spite of that, the trial court has allowed the petition as such is erroneous one. He would also submit that the victim girl had given the complaint against the petitioner, who is her paternal uncle and there was a civil dispute is also pending. Based on that, he was falsely implicated in this case and now after completion of evidence of P.W.10, the prosecution had filed the present petition praying to alter the charges from Sec.294(b), 506(i) of I.P.C. to Sec 294(b), 354, 506(i) of I.P.C. against the petitioner and to frame the charges, which is not sustainable one. Hence, he prayed to set aside the findings of trial court.



4. On seeing entire facts, it reveals that the trial court had allowed the petition, but on perusal of the circumstances of the case, the defacto complainant already gave a complaint as if the petitioner, who is brother of her father had attempted to misbehave with her while she was in upstairs. Based upon that, the complaint was lodged and the F.I.R. in Crime No. 5 of 2022 was also registered. Now, the prosecution wanted to alter the charges after the completion of evidence of P.W.10. But, the trial court failed to take note of the said fact and erroneously allowed the petition, which needs interference. The learned counsel for petitioner also referred the ratio laid down in the authority reported in **2017 (3) SCC 347** in the case of **P.Kartikalakshmi vs. Sri Ganesh and another**, wherein the Apex Court had held in para 7 as follows :-

“We were taken through Sections 221 and 222 Cr.P.C. in this context. In the light of the facts involved in this case, we are only concerned with Sec.216 Cr.P.C. We, therefore, do not propose to examine the implications of the other provisions to the case on hand. We wish to continue ourselves to the invocation of Sec.216 and rest with that. In the light of our conclusion that the power of invocation of Sec.216 Cr.P.C. is exclusively confined with the Court as an enabling provision for the purpose of alteration or addition of any charge at any time before pronouncement of the judgment, we make it clear that no party, neither defacto complainant nor the accused or for that matter, the prosecution has any vested right to seek any addition



or alteration of charge, because it is not provided under Sec.216 of

Cr.P.C. If such a course to be adopted by the parties is allowed, then

it will be well-nigh impossible for the criminal court to conclude its

proceedings and the concept of speedy trial will get jeopardised.”

By referring the aforesaid proposition, the learned counsel for petitioner would submit that without any prima facie materials, the petition filed by the prosecution as such is unwarranted one. Considering that as well as considering the facts and circumstances of the case, the present petition filed by the prosecution is not sustainable under law for the reason that for very same allegation already charge sheet filed, objection not raised all these years. Hence, this court is inclined to allow this Criminal Revision Case and to set aside the findings of Addl. Mahila Judge, Chengalpattu rendered in CrI.M.P.No.663 of 2023 in C.C.No.913 of 2022. Accordingly, this Criminal Revision Case is allowed. Consequently, the connected Criminal Miscellaneous Petitions are closed.

23-09-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Addl. Mahila Court, Chengalpattu.

2. Inspector of Police, All Women Police Station, Chengalpattu.

3. The Public Prosecutor, High Court, Madras



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T.V.THAMILSELVI J.

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NO. 17867 OF 2025**

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