



CrI.O.P.(MD)Nos.2982 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.02.2025

CORAM:

THE HONOURABLE **MR.JUSTICE P.DHANABAL**

CrI.O.P.(MD)No.2982 of 2025

Sundari

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep by the Superintendent of Police,
Madurai District.
2. The Deputy Superintendent Of Police,
Samayanallur Sub Division,
Madurai District.
3. The Inspector of Police,
Nagamalai Pudhukottai Police Station,
Madurai District.

... Respondents

PRAYER : Petition filed under Section 528 of BNSS 2023, to direct the 3rd respondent to alter the penal provisions in Crime No. 441 of 2024 at 109 of BNS act 2023 on the file of the 3rd respondent police based on the petitioner's representation dt. 03.02.2025 and remainder representation dt. 07.02.2025.



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For Petitioner : Mr.S.Balaji
For Respondents : Mr.M.Sakthi Kumar
Government Advocate

ORDER

This criminal original petition has been filed seeking for a direction to the 3rd respondent to alter the penal provisions in Crime No. 441 of 2024 including Section 109 of BNS 2023 on the file of the 3rd respondent police based on the petitioner's representation dated 03.02.2025 and reminder representation dated 07.02.2025.

2. According to the petitioner, she has lodged a complaint against one Santhi, Chandran and Panneerselvam. Based on the complaint given by the petitioner, the respondent police has registered a case in Crime No.441 of 2024 for the offences punishable under Sections 296(b) of BNS, 2023 and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002. However, they omitted to include Section 109 BNS, 2023, even though the accused attempted to commit murder of the petitioner. In this regard, the petitioner sent a



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representation dated 03.02.2025 and the reminder dated 07.02.2025, but the same was not considered by the third respondent. Hence, this petition came to be filed.

3. The learned Government Advocate appearing for the respondent police would submit that the case is now under investigation and based on the investigation, the respondent police will consider the representations of the petitioner and take appropriate steps to alter the sections of penal provisions, if requires.

4. Heard the learned counsel on either side and perused the records placed before this Court.

5. Since the investigation is under process, it is for the respondents to take proper decision by collecting the material evidences, to alter the sections of penal provisions, based on the materials available with them, at the time of filing final report. Therefore, at this stage, this Court cannot direct the respondents to



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include particular section. However, it is for the respondents to conduct fair investigation and to file a final report in accordance with law. It is needless to mention that the petitioner shall cooperate with the respondent police for the fair investigation.

6. With the above observations, this criminal original petition is disposed of.

18.02.2025

Neutral Citation: Yes / No
Index : Yes / No
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TO:-

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Madurai District.
2. The Deputy Superintendent Of Police,
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Madurai District.
3. The Inspector of Police,
Nagamalai Pudhukottai Police Station,
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL, J.

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Order made in
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Dated:
18.02.2025