



CRL RC(MD)No.710 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL RC(MD)No.710 of 2025

and

CRL MP(MD)No.7769 of 2025

1.P.Raman

2.V.Paulpandi

3.P.Deeparani

... Petitioners / Petitioners /
Accused 1 to 3

Vs.

State of Tamil Nadu,
Rep. by the Inspector of Police,
All Women Police Station,
Usilampatti, Madurai District.
(Cr.No.1/2024)

... Respondent / Respondent/
Complainant

PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, to call for the records pertaining to the order of the Judicial Magistrate No.1 Usilampatti, passed in CrI.M.P.No.319/2025 in P.R.C. No.5 of 2024 on 28.04.2025 and set aside the same.

For Petitioners : Mr.S.Vijayakumar

For Respondent : Mr.M.Sakthi Kumar,
Government Advocate



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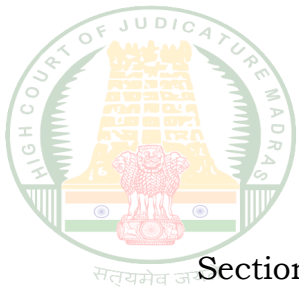
ORDER

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This Criminal Revision Petition is filed to call for the records pertaining to the order of the Judicial Magistrate No.1, Usilampatti, passed in Crl.M.P.No.319/2025 in P.R.C. No.5 of 2024 on 28.04.2025 and set aside the same.

2. The petitioners herein are the accused No.1 to 3 in crime No. 1 of 2024 on the file of the All Women Police Station, Usilampatti. The first petitioner is the son of the petitioners 2 and 3. The de-facto complainant Revathi, daughter of one Kasi, is the one who is living in the same destination, that is, the same village wherein the petitioners herein are living. The family of Thiru.Kasi and that of the petitioners maintained close friendship and the daughter of Kasi also frequented to the house of the petitioners very often.

3. On 25.01.2024, the defacto complainant Revathi had given a complaint before the respondent police against the petitioners, on the basis of which, crime No.1 of 2024 came to be registered by the respondent police under Section 376, 417, 109 and 506(1) IPC. In the meanwhile, on further investigation the offences were altered as under

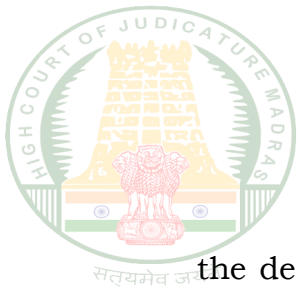


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Section 376, 417, 313 r/w 109 and 506(1) IPC. Claiming that the alteration of the sections by adding the inconsistent Section 313 r/w 109 IPC in the final report, a protest petition came to be filed by the petitioners herein, in a preponderant manner.

4. The learned Trial Court observing that the matter is still pending before the learned Judicial Magistrate Court and has to be committed for trial before the learned Sessions Judges Court at Madurai and the petitioner has got ample opportunities to file a discharge petition before the the learned Sessions Judges Court at Madurai, and the protest petition which is filed before the learned Judicial Magistrate is premature and on that grounds, the same came to be dismissed, even before the compliance of proceedings under Section 209 of Cr.P.C., the same is pending before the learned Judicial Magistrate and hence the learned Judicial Magistrate outrightly dismissed the same.

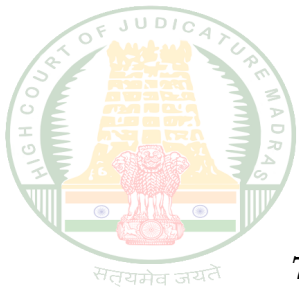
5. The learned counsel for the petitioner submitted that none of the petitioners are involved in the so-called alleged abortion which was conducted on the de-facto complainant. He relied upon the case sheet of



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the de facto complainant which would reveal that she was admitted on her own volition and not by any of the petitioners herein. Thereafter on conducting a scan on the defacto complainant it was identified that she had been pregnant and the fetus is already still and was advised for undergoing abortion and on the basis of it on her own volition and the acceptance given by the de-facto complainant herself, the abortion has been conducted on her and hence the alteration of the sections in the final report including Section 313 r/w 109 IPC is unwarranted and the same is not at all maintainable and categorically contended that the learned Judicial Magistrate ought to have allowed the protest petition by directing the investigating officers to remove the said altered section. Having not done so, left with no other option, the petitioners have come before this Court and the same is maintainable and pressed for allowing the Criminal Revision case.

6. The learned Government Advocate categorically contended that on the basis of the available medical records and on the basis of the 164 Cr.P.C., statement given by the defacto complainant before the learned Judicial Magistrate, it is pretty clear that the altered final report is legally correct and is sustainable, and the investigating officer only on the basis of the statement given before the learned Judicial Magistrate, left with no other option, had altered the aforesaid charge sheet.



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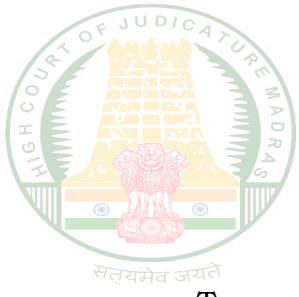
7. Heard the learned counsels on either side and carefully perused the materials available on record.

8. This Court is of the considered view that this petition is too premature as the case is not yet committed under Section 296 Cr.P.C, for trial, for taking cognizance and for proceeding trial as against the petitioner before the learned Judicial Magistrate and since the same is still pending before the learned Judicial Magistrate, the remedy will be available for the petitioners to file a discharge petition in this regard only before the learned Sessions Court at Madurai. Hence, this Court is of the considered view that there is no infirmity in the order passed by the learned Judicial Magistrate.

9. Giving liberty to the petitioner to file a discharge petition after committal, this Criminal Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

20.06.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml



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To
The Judicial Magistrate No.1,
Usilampatti.



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L.VICTORIA GOWRI, J.,

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