

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.19007 of 2015

K.Raja @ Ashokkumar

...Petitioner/Defacto Complainant

Vs.

State rep. by
Inspector of Police,
Thalavadi Police Station,
Sathyamangalam,
Erode District.
(Crime No.92 of 2014)

...Respondent/Complainant

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent herein to alter the First Information Report in Crime No.92 of 2014 pending on the file of the respondent police and include Section 315 of IPC and investigate the case in accordance with law.

For Petitioner : Mr.D.Vijayababu

For Respondent : Mr.C.Emalias,
Addl. Public Prosecutor

O R D E R

Petitioner has come up with the present petition seeking to alter the First Information Report in Crime No.92 of 2014 pending on the file of the respondent herein.

2. The petitioner herein lodged a complaint against his wife and in-laws and based on the said complaint a case has been registered under Section 312 of IPC. It is the grievance of the petitioner that though a case has been made out under Section 315 of IPC the respondent has not included the said Section in the First Information Report. It is the further contention of the petitioner that Section 315 of IPC is non-cognizable offence and as per 155 (2) of Cr.P.C. without order from the Magistrate, the police officer cannot investigate the case.

3. Earlier when the matter came up before this Court on 29.07.2015, this Court had directed the respondent police to obtain necessary permission from the concerned jurisdictional Magistrate to investigate the case under Section 312 of I.P.C.

4. Today when the matter is taken up for hearing, learned Additional Public Prosecutor produced the copy of the order issued by the Judicial Magistrate, Sathyamangalam wherein the respondent was permitted to investigate the matter under Section 312 of IPC.

5. Learned Additional Public Prosecutor would also submit that if the investigation reveals a cognizable offence made under Section 315 of IPC, the respondent would alter the FIR accordingly.

6. In view of the permission granted by the learned Judicial Magistrate, Sathyamangalam as well as based on the submissions made by the learned Additional Public Prosecutor, this Court is of the view that no specific direction is required further. Hence, recording the submissions made by the learned Additional Public Prosecutor, this criminal original petition is closed.

smi

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Judicial Magistrate, Sathyamangalam.
 2. The Inspector of Police, Thalavadi Police Station, Sathyamangalam, Erode District.
 3. The Public Prosecutor, High Court, Madras.
- + 1 cc to Mr.D.Vijayababu, Advocate Sr 63821.

PPA/CO
KR/15/12

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