

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2015

CORAM:

THE HON'BLE MR.JUSTICE R.SUBBIAH

Cr1.O.P.No.26177 of 2015

1.Mr.G.Kumar

2.Mrs.K.Kavitha

... Petitioners

Vs.,

State represented by
Inspector of Police (L & O),
M-3, Puzhal Police Station,
Puzhal, Chennai-600 006. ... Respondent

Prayer: Petition filed under Section 482 of the Criminal Procedure Code praying for a direction directing the respondent-Police to alter the FIR in Crime No.1501/2015 by implicating Section 307 and 450 of IPC and Section 25 (1A) of Arms Act, 1959.

For Petitioners : Mr.S.Michael

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

ORDER

This petition has been filed seeking to direct the respondent-Police to alter the FIR in Crime No.1501/2015 by implicating Section 307 & 450 of IPC and Section 25 (1A) of Arms Act, 1959.

2.In the petition it has been stated by the petitioners that the 1st petitioner is doing real estate business and he purchased a land comprised in S.No.575/1, 575/2, Puzhal Village, Ambattur Taluk, Tiruvallur District, measuring an extent of 1200 sq.fts. Further, the petitioners and one Sooriya Narayana are well known friends. During the course of real estate business, a dispute arose between them. While so, a complaint has been lodged by the 2nd petitioner, who is the wife of the 1st petitioner, with the respondent-Police as against the said Sooriya Narayana and others, alleging that they trespassed into the petitioners house and assaulted him and attempted to murder the petitioners. On the basis of the said complaint, a case in Crime No.1501 of 2015 under Sections 448, 294(b), 511 & 506(ii) IPC was registered. The grievance of the petitioners is that the respondent-Police ought to have

registered the complaint by implicating Sections 307 & 450 IPC and 25 (1A) of the Arms Act also. Hence, the petitioners have filed the present petition seeking to alter the FIR by implicating Sections 307 & 450 IPC and 25(1A) of the Arms Act.

3. When the matter is taken up for consideration, the learned Additional Public Prosecutor submitted that during the course of investigation, if the commission of offences under Sections 307 & 450 IPC and 25(1A) of the Arms Act is made out, the same will be included in the final report.

4. However, the learned counsel for the petitioner insisted that a direction could be given to the respondent-Police to include Sections 307 & 450 IPC and 25(1A) of the Arms Act, in the FIR.

5. Heard the submissions made on either side and perused the materials available on record.

6. As rightly pointed out by the learned Additional Public Prosecutor appearing for the respondent -Police, if during the course of investigation and examination of witnesses, the commission of the offences under Sections 307 & 450 IPC and 25 (1A) of the Arms Act is made out, then, it is always open to the respondent-Police to file a final report including the said offences. Even assuming that such final report does not include the charges for the offences under Sections 307 & 450 IPC and 25(1A) of the Arms Act, it is open to the jurisdictional Court to include such charges while framing the charges if the materials on record warrant so. Hence, at this stage, it is not proper to direct the investigating agency to include the offences under Sections 307 & 450 IPC and 25(1A) of the Arms Act in the First Information Report.

7. With the above observation, this criminal original petition is disposed of.

Sd/-

Assistant Registrar(CS II)

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Sub Assistant Registrar

SSV

To,

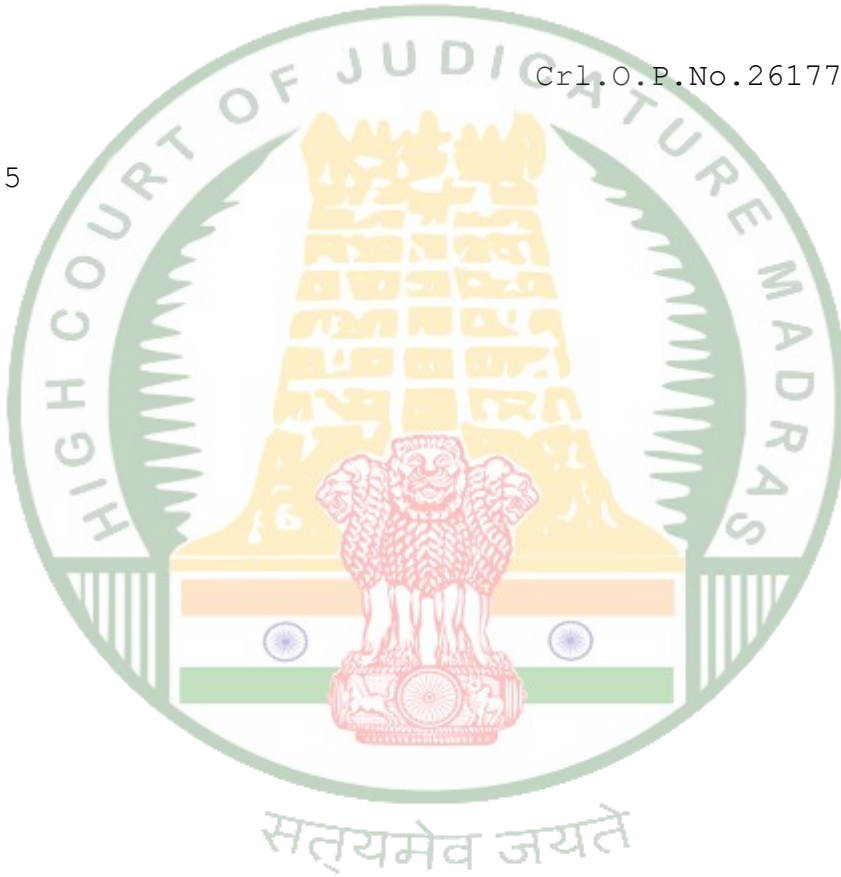
1.The Inspector of Police (L & O),
M-3, Puzhal Police Station,
Puzhal, Chennai-600 006.

2.The Public Prosecutor,
High Court, Madras.

+lcc to s.Micheal, Advocate sr.63173 [23/11/2015]

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