

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

Cr1.O.P.No.27582 of 2015

Rajaguru

.. Petitioner/Defacto
Complainant

Vs

State by
The Inspector of Police,
Naduveerapattu Police Station,
Cuddalore District.
(Crime No.127 of 2015)

.. Respondent/Complainant

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent viz., the Inspector of Police, Naduveerapattu Police Station, Cuddalore District to alter the FIR in Crime No.127 of 2015 for the offence under section 174(3) IV Cr.P.C. (Suspicious death) instead of 302 IPC and also to complete the investigation and file a final report accordingly within the time stipulated by this Court before the concerned court.

For Petitioner : Mr.K.Balu

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

O R D E R

The present criminal original petition has been filed seeking a direction to the respondent to alter the FIR in Crime No.127 of 2015 for the offence under section 306 of IPC instead of 302 IPC and also to complete the investigation and file a final report accordingly within the time stipulated by this Court before the concerned court.

2. The grievance of the petitioner is that though the allegations contained in the complaint disclose the commission of offence under Section 302 I.P.C., the said offence has not been included in the First Information Report in Crime No.127 of 2015 and as such, this Court may direct the respondent to include the said offence in the First Information Report.

3. The learned Additional Public Prosecutor submitted that the investigation in this case is pending and in the course of investigation, if the commission of an offence under Section 302 I.P.C. is made out, the same will be included in the final report.

4. I have considered the submissions made on either side.

5. As rightly pointed out by the learned Additional Public Prosecutor, if during the course of investigation and examination of witnesses, the commission of offence under Section 302 I.P.C. is made out, then, it is always open to the respondent to file a final report including the said offence. Even assuming that such final report does not include the charge for the offence under Section 302 I.P.C., it is open to the jurisdictional Court to include such a charge 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 offence under Section 302 I.P.C., in the First Information Report. Hence, the criminal original petition is dismissed.

vrc

Sd/-

Assistant Registrar (CS-VII)

/True Copy/

Sub-Assistant Registrar

To

1. The Inspector of Police,
Naduveerapattu Police Station,
Cuddalore District.
2. The Public Prosecutor,
High Court, Madras.

+1 C.C. To MR.K.Balu, Advocate in SR.NO.62158

Cr1.O.P.No.27582 of 2015

RV(CO)

sd : 08/12/2015

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