

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.28801 of 2015

P.Chinnaraji

... Petitioner

Vs

1. The Deputy Superintendent of Police,
Pennagaram range,
Dharmapuri District.
 2. The State rep. By its
Inspector of Police,
Dharmapuri District.
(Crime No.115/2015)
- ... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 2nd respondent to alter the section by an addition of Section 3(1)((X) of the SC and ST (Prevention of Atrocities) Act, 1989 and further to direct the 1st respondent to investigate the same.

For Petitioner : Mr.P.G.Thiyagu

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

O R D E R

The present criminal original petition has been filed seeking a direction to the 2nd respondent to alter the section by an addition of Section 3(1)((X) of the SC and ST (Prevention of Atrocities) Act, 1989 and further to direct the 1st respondent to investigate the same.

2. When the matter is taken up for consideration, the learned Additional Public Prosecutor submitted that the respondent-Police has already registered the FIR in Crime No.115 of 2015, if the commission of offence under Section 3(1)(X) of the SC and ST (Prevention of Atrocities) Act, 1989 is made out, the same will be included in the final report.

3.However, the learned counsel for the petitioner insisted that a direction could be given to the respondent-Police to include the said Sections in the FIR.

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

5. 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 Section 3(1)(X) of the SC and ST (Prevention of Atrocities) Act, 1989 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 Section 3(1)(X) of the SC and ST (Prevention of Atrocities) Act, 1989, 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 Section 3 (1)(X) of the SC and ST (Prevention of Atrocities) Act, 1989 in the First Information Report.

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

ssd

-s/d-

Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

To

1. The Deputy Superintendent of Police,
Pennagaram range,
Dharmapuri District.
2. The Inspector of Police,
Dharmapuri District.
3. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.P.G.Thiyagu, Advocate SR 66387

gj(co)
prk5/1

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