

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.7495 of 2015

Murugesan

... Petitioner

Vs

The State rep by

1.The Superintendent of Police
Mangalamedu Post
Veppanthattai.

2.The Deputy Superintendent of Police
Mangalamedu Post
Veppanthattai.

.... Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the 2nd respondent to register a case based on the complaint given by the petitioner dated 05.03.2015.

For Petitioner : Mr.K.Jeyakumar

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

O R D E R

This petition has been filed to direct the 2nd respondent to register a case based on the complaint given by the petitioner dated 05.03.2015.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.

3. Learned Additional Public Prosecutor submitted that on the complaint given by the petitioner, on 29.12.2014, a case in Cr.No.224 of 2014 for offences under Sections 457 and 511 IPC has been registered by the police.

4. It is the grievance of the petitioner that he had lost several valuable items from his house and that the same has not been recorded in the FIR.

5. Per contra, the learned Additional Public Prosecutor submitted that the FIR has been registered based on the statement given by the petitioner immediately after the incident. This Court called for the case diary and found that the FIR has reached the Court on 28.01.2015 and police have collected a list of known offenders in the area and they had mounted surveillance on them. At this juncture, the prayer of the petitioner for registering a second FIR or amending the earlier FIR cannot be countenanced. If a suspect is arrested and during custodial interrogation new materials surface, it is always open to the police to file an alteration report.

In view of the serious nature of the offence, I am of the view that it will be in the interest of justice if the case is transferred from the file of the Sub Inspector of Police to the file of the Inspector of Police and the Deputy Superintendent of Police, Mangalamedu, shall monitor the investigation. With the above direction, this petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

gms

To

1.The Superintendent of Police
Mangalamedu Post, Veppanthattai.

2.The Deputy Superintendent of Police
Mangalamedu Post, Veppanthattai.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Jayakumar, Advocate, S.R.No.25730

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EV(CO)
CA(05/06/2015)