

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Cr1.O.P.No.11316 of 2016

T.Subramanian

...Petitioner

Vs.

State Represented by:

1.The Superintendent of Police,
Tiruvannamalai District,
Tiruvannamalai.

2.The Inspector of Police,
Desur Police Station,
Vandavasi Taluk,
Tiruvannamalai District
Pin - 604 501.

3.Kathiresan @ Namakkarar

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C to direct the 2nd respondent to alter the FIR adding the provisions of Sections 430, 506(ii), 307, 379 & 430 of IPC., on the basis of the complaint given by the petitioner and hold proper investigation in accordance with law and to file a final report within a stipulated time.

For Petitioner : Mr.M.Boopathy

For Respondents : Mr.C.Emalias

[R1 & R2] Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the second respondent to alter the FIR., adding the provisions of Sections 430, 506(ii), 307, 379 & 430 of IPC., on the basis of the complaint given by the petitioner and to investigate the same in accordance with law and to file a final report within a stipulated time.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents 1 & 2.

3. On a reading of the complaint given by the petitioner, the respondent-police have registered a case in Crime No.58 of 2016 for offences under Sections 294(b), 427, 506 (i) I.P.C., and on a complaint given by the opposite party, a case in Crime No.59 of 2016 has been registered against the petitioner for offences under Sections 427, 506(i) I.P.C., At this juncture, the petitioner approached this Court for a direction to alter the FIR., by including grave offences under Sections 430, 506(ii), 307, 379 & 430 of IPC.,

4. In the complaint given by the petitioner, he has stated that when he questioned the opposite party, he was pulled by his banian and was pushed by them. Thereafter, it is alleged that the opposite party has also thrown a stone on the Maruti Car of the petitioner.

5. Under such circumstances, no directions as prayed for can be given, as unlike the Code of Civil Procedure, the FIR cannot be amended. It is always open to the police to file a final report or closure report as the case may be, depending upon the availability of the evidence.

6. With the above direction, this Criminal Original Petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ds

To:

- 1.The Superintendent of Police,
Tiruvannamalai District,
Tiruvannamalai.
- 2.The Inspector of Police,
Desur Police Station,
Vandavasi Taluk,
Tiruvannamalai District
Pin - 604 501.
- 3.The Public Prosecutor
High Court, Madras.

+1cc to M/s. M. Boopathy, Advocate, S.R.No.3102

RK(CO)
EU(23/06/2016)

Cr1.O.P.No.11316 of 2016