

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.07.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Cr1.OP.No.15722 of 2016

Koonthal

... Petitioner

Vs

1.The Deputy Superintendent of Police,
Attur, Salem.

2.The Inspector of Police,
Gangavalli Police Station,
Salem.

... Respondents

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the 2nd respondent to include the main accused namely, Mathan Kumar, Sathiyathan, Arivumani and Muthusamy, S/O.Vaiyapuri and alter the FIR in Crime No.156 of 2016 by including the offences under SC/ST Act.

For Petitioner : Mr.T.Arul

For Respondents : Mr.C.Emalias, APP

O R D E R

This petition has been filed to direct the 2nd respondent to include the main accused namely, Mathan Kumar, Sathiyathan, Arivumani and Muthusamy, S/o.Vaiyapuri and alter the FIR in Crime No.156 of 2016 by including the offences under SC/ST Act.

2. Heard the learned counsel for the petitioner; learned Additional Public Prosecutor appearing for the respondents and perused the materials placed on record.

3. On the complaint lodged by the petitioner, the 2nd respondent-Police have registered a case in Crime No.156 of 2016 on 30.05.2016 for offences under Section 294[b], 323, 324 and 506[ii] IPC against four accused. Now, the de facto complainant is before this Court, for a direction to the 2nd respondent to alter the FIR and include offences under SC/ST Act and also to include the names of certain persons.

4. On a reading of the complaint, it is seen that there is a boundary dispute between the petitioner and the opposite party. Unlike the Code of Civil Procedure, where an amendment to the pleadings can be done, an FIR cannot be altered in the Code of Criminal Procedure. However, it is open to the respondents to

conduct investigation and during the course of investigation, if truly, other persons are involved, it is needless to state that their names can be included in the final report.

With the above direction, this petition is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

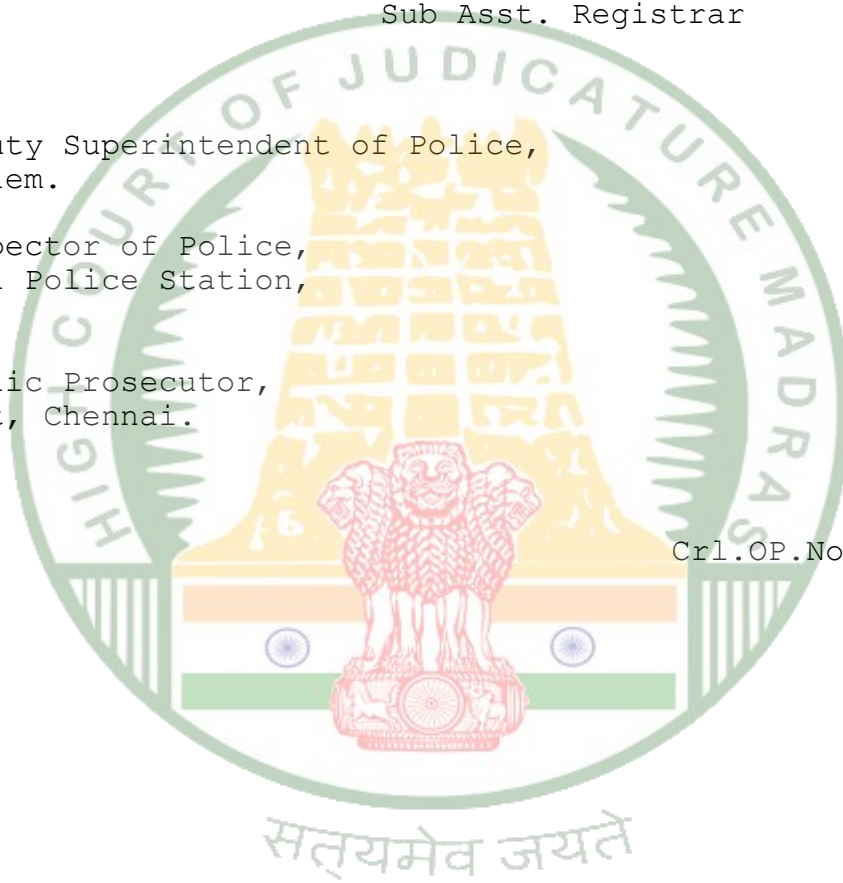
1.The Deputy Superintendent of Police,
Attur, Salem.

2.The Inspector of Police,
Gangavalli Police Station,
Salem.

3.The Public Prosecutor,
High Court, Chennai.

pvs (co)
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