

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.08.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.16097 of 2016

K.Nagaraj ... Petitioner

Vs

The State of TamilNadu rep.by its
Inspector of Police,
Kariyalur Police Station,
Villupuram District. ... Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the respondent to complete the investigation in Crime No.96 of 2012 and to file final report within a time stipulated by this Court.

For Petitioner : Mr.A.Ilaya Perumal

For Respondent : Mr.C.Emalias, APP

O R D E R

This petition has been filed to direct the respondent to complete the investigation in Crime No.96 of 2012 and to file final report within a time stipulated by this Court.

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

3. On the complaint lodged by the petitioner, the respondent Police registered a case in Crime No.96 of 2012 on 06.10.2012 for offences under Section 147, 148, 294[b], 323, 324 and 506[ii] IPC against five persons. Since the Police did not complete the investigation, the de facto complainant has filed the present petition for a direction to the respondent Police to complete the investigation in Crime No.96 of 2012 within a stipulated period.

4. Today, when the matter was called, Mr.P.Manimaran, Inspector of Police, Kacharayapalayam Circle, Kallakurichi Sub Division is present.

5. Learned Additional Public Prosecutor on instructions submitted that, the Police filed an alteration report in Crime No.96 of 2012 before the learned Judicial Magistrate, Sankarapuram, where the FIR is pending, altering the offences from one under Section 147, 148, 294[b], 323, 324 and 506[ii] IPC to one under Section 294[b], 323 and 324 IPC. Thereafter, the learned Judicial Magistrate, Sankarapuram has closed the FIR under Section 468[2] Cr.P.C. on 12.04.2014, without notice to the de facto complainant.

6. Learned counsel for the de facto complainant submitted that the de facto complainant was injured in the attack and the victim needs justice.

7. In the considered opinion of this Court, the learned Magistrate ought not to have closed the FIR, based on the alteration report filed by the Police, especially, when the victim has suffered some injuries. Under such circumstances, the order dated 12.04.2014 passed by the learned Judicial Magistrate, Sankarapuram closing the FIR in Crime No.96 of 2012 is hereby set aside and the respondent Police is directed to file final report within a period of three months, from the date of receipt of a copy of this order. If any accused named in the FIR is deleted in the final report, it is open to the de facto complainant to file a protest application in terms of the law laid down by the Hon'ble Supreme Court in Vinay Tyagi Vs Irshad Ali reported in 2013 [5] SCC 762.

With the above direction, this petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

gya

To

1.The Judicial Magistrate,
Sankarapuram.

2.The Inspector of Police,
Kariyalur Police Station,
Villupuram District.

3.The Public Prosecutor,
High Court, Madras.

1 cc to Mr.A.Ilayaperumal, Advocate, sr.45470

CRL.OP.No.16097 of 2016

lrs co

kra 29.08.2016