

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.09.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.20103 of 2016

S.Vinoth

... Petitioner

Vs

State rep by

The Inspector of Police  
E-9, Thalampur Police Station,  
Kancheepuram District,  
(Crime No.307 of 2016)

.... Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to include the section 307 of I.P.C along with section 324 & 506 (ii) of I.P.C in crime No.307 of 2016 on the file of respondent police.

For Petitioner : Mr.L.Uthayakumar  
For Respondent : Mr.C.Emalias, APP

O R D E R

This petition has been filed to include Section 307 of I.P.C along with Sections 324 & 506 (ii) of I.P.C in Crime No.307 of 2016 on the file of respondent police.

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

3. On the complaint lodged by the petitioner, the respondent police have registered a case in Crime No.307 of 2016 on 10.08.2016 u/s.324 and 506(ii) IPC against Sivaguru who was arrested and released on bail. Now, it is the grievance of the petitioner that, the police should have included Section 307 I.P.C in the FIR and therefore, he has filed the present petition for a direction to the respondent police to include the aforesaid Section.

4. In the considered opinion of this Court, such a direction u/s 482 Cr.P.C cannot be granted. However, the learned Additional Public Prosecutor submitted that, during the course of investigation, the respondent police have altered the offence

to one u/s 326 IPC and the final report is also ready.

5. On a reading of the FIR, even according to the petitioner, a quarrel arose, in which the said Sivaguru is said to have taken the handle of the oil motor that was nearby and attacked the petitioner causing serious injuries to him. The facts do not disclose commission of offence u/s 307 IPC.

6. In the result, recording the above submission of the learned Additional Public Prosecutor, this petition is closed with a direction to the respondent police to file a final report within one month from the date of receipt of a copy of this order.

7. With the above direction, this petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

dpq

To

1.State rep by  
The Inspector of Police  
E-9, Thalampur Police Station,  
Kancheepuram District,  
(Crime No.307 of 2016)

2.The Public Prosecutor,  
High Court, Madras.

सत्यमेव जयते

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