

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2016

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

CrI.O.P. No.21475 of 2016

S. Selvaraj

Petitioner

vs.

1 The District Superintendent of Police
Tiruvannamalai District

2 The Inspector of Police
Kalambur Police Station
Tiruvannamalai District
(Crime No.102/2016)

3 Pothuammal

4 Theivanai

5 Baskaran

Respondents

Criminal Original Petition filed under Section 482, Cr.P.C. seeking to direct the second respondent police to alter the FIR in Cr. No.102/2016 by implicating Sections 326 and 307 IPC and to add the names of the respondents 3,4 and 5 in the final report which has to be filed by the second respondent.

For petitioner Ms. M. Rebecca

For RR 1 & 2 Mr. C. Emalias
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to direct the second respondent police to alter the FIR in Cr.No.102/2016 by implicating Sections 326 and 307 IPC and to add the names of the respondents 3,4 and 5 in the final report which has to be filed by the second respondent.

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

3. On the complaint lodged by Seshavaradhan, the respondent police have registered a case in Cr.No.101 of 2016 u/s 294(b), 323, 324 and 506(ii) IPC against one Saravanan (A1) and 2 unknown persons and investigation is pending. While so, the petitioner who is one of the injured in the accident, has come up with this petition with the above prayer.

4. The learned counsel for the petitioner submitted that the FIR has been registered on the complaint given by petitioner's brother, when the petitioner was in the hospital and that the wound certificate shows that he has suffered fracture. On a careful reading of the FIR it is seen that the petitioner's brother Seshavaradhan has stated that, on 22.03.2016 around 8.45 a.m. when they were all working in the vacant land, the accused who are relatives, came there and a quarrel ensued, in which it is alleged that Saravanan had taken a reeper stick and assaulted Selvaraj.

5. The direction as prayed for by the petitioner cannot be granted u/s 482 Cr.P.C. However, the respondent police is directed to conduct investigation and during the course of investigation, if the name of the persons who were involved in the offence comes to light, it is needless to state that they should also be included in the case by filing an alteration report.

With the above direction, this petition is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

gms

To

- 1 The District Superintendent of Police
Tiruvannamalai District
- 2 The Inspector of Police
Kalambur Police Station
Tiruvannamalai District
(Crime No.102/2016)
- 3 The Public Prosecutor
High Court, Madras

+1cc to M/S M.Rebecca, Advocate Sr.54149

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TRM(CO)
RVR 26/10/2016