

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23..09..2016

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

Criminal Original Petition No.21696 of 2016

S.Manisha

... Petitioner

-Versus-

State Rep. by

1.The Commissioner of Police,
Vepery, Chennai 600007.

2.The Inspector of Police (L&O),
P-1, Pulianthope Police Station,
Chennai 600012.

... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C. praying to praying to direct the 2nd respondent to alter the FIR in Crime No.288 of 2016 for the offences under Section 341, 326, 307 and 506(ii) of IPC r/w 34 of IPC and to investigate the case against the accused persons in accordance with law.

For Petitioner : Mr.R.C.Manoharan

For Respondent(s) : Mr.C.Emalias, APP

This petition has been filed seeking a direction to the 2nd respondent to alter the FIR registered in Crime No.288 of 2016.

2. It is seen that though a case has been registered in C.S.R.No.204 of 2016 on 29.02.2016 on the complaint allegedly made by the petitioner, after having recorded a statement from the petitioner and after having inquired into the allegations, a regular FIR has been registered in Crime No.288 of 2016 on 09.03.2016 by the 2nd respondent against (1) Sundar, (2) Sudhakar and (3) Selvaneedhi for offences under Sections 341, 294(b), 323 and 506(i) of IPC.

3. It is the case of the petitioner that Sundar and Sudhakar are her paternal uncles and Selvaneedhi is her grand-father and that they came to her house on 29.02.2016, picked up quarrel with her mother and attacked her.

4. The learned counsel for the petitioner submitted that taking into consideration the nature of injuries sustained by the petitioner the penal provisions should be altered.

5. In the opinion of this court, no such direction could be issued under Section 482 of the Code. However, during the course of investigation, if any material evidence relating to the commission of a serious offence is surfaced, it is needless to state that the respondent police shall file an alteration report. In the mean time, this court directs that the Assistant Commissioner of Police, Pulianthope, to monitor the investigation in Crime No.288 of 2016 on the file of the 2nd respondent.

6. This Criminal Original Petition is disposed of with the above directions.

kmk

Sd/-
Assistant Registrar (CS)
/TRUE COPY/
Sub-Assistant Registrar

To

1.The Commissioner of Police,
Vepery, Chennai 600007.

2.The Inspector of Police (L&O),
P-1, Pulianthope Police Station,
Chennai 600012.

3.The Assistant Commissioner,
Pulianthope, Chennai 600012.

4.The Public Prosecutor,
High Court, Chennai.

+1CC to MR.R.C.MANOхарAN Advocate SR.NO.54518

KK[CO]
MK:24/10/2016

Cr1.O.P.No.21696 of 2016