

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.22738 of 2016

P.Muthukuruvu

.. Petitioner

Vs

1. The Commissioner of Police,
Officer of the Commissioner of Police,
Coimbatore City.

2. The Inspector of Police,
Peelamedu Police Station,
Peelamedu, Coimbatore City.

.. Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the 2nd respondent to alter the Penal Sections as 447, 294(b), 326, 369 and 506 (i) of IPC & Section of TNPWH Act instead of 75 TNCP Act and 323 of IPC and include all the proposed Accused based on the Petitioner's Representation dated 23.09.2016 in connection with Crime No.638 of 2016 on the file of the 2nd respondent Police dated 06.08.2016.

For Petitioner : Mr.D.S.Haroon Rasheed

For Respondents : Mr.C.Emalias,
Addl.Public Prosecutor

ORDER

This petition has been filed to direct the 2nd respondent to alter the penal sections as 447, 294(b), 326, 369 and 506 (i) of IPC & Section of the Tamil Nadu Prohibition of Harassment of Women Act, 1998, instead of 75 Tamil Nadu City Police Act and 323 of IPC and include all the proposed accused based on the petitioner's representation dated 23.09.2016 in connection with Crime No.638 of 2016 dated 06.08.2016 on the file of the 2nd respondent police.

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

3. On the complaint given by the petitioner, the respondent police registered a case in Cr.No.638 of 2016 on 06.08.2016 for the offences u/s 75(i) (C) of The Tamil Nadu City Police Act and 323 IPC against one Chinna Muthu, who is none other than the husband of the petitioner.

4. It is the case of the petitioner that he suffered very grievous injuries and therefore, the FIR should be altered.

5. In this manner, the FIR cannot be amended. However, if during investigation, the commission of serious offences are gathered, it is needless to state that the police can file an alteration report.

6. The learned Additional Public Prosecutor submitted that the injuries sustained by the petitioner do not support the case of the petitioner inasmuch as the injuries are found to be simple in nature.

7. However, the Inspector of Police is directed to monitor the investigation thoroughly and during investigation, if higher offences come to light, it is needless to state that an alteration report shall be filed.

With the above direction and observation, the Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

सत्यमेव जयते

To

1. The Commissioner of Police,
Officer of the Commissioner of Police,
Coimbatore City.
2. The Inspector of Police,
Peelamedu Police Station,
Peelamedu, Coimbatore City.

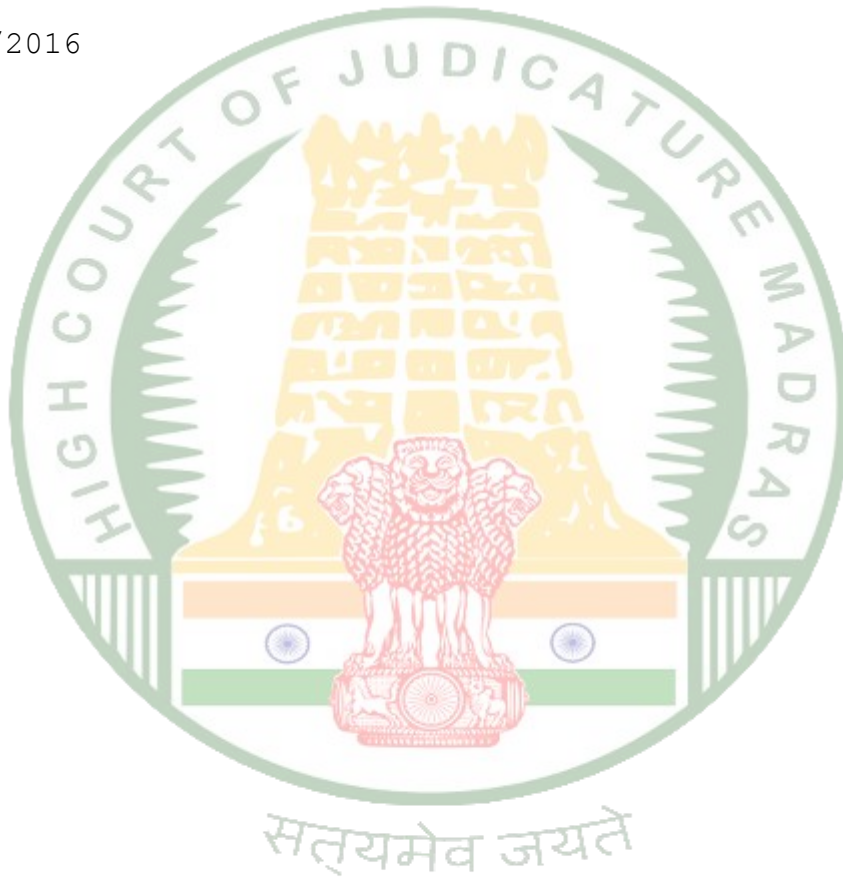
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3. The Public Prosecutor,
High Court, Madras.

+1cc to M/S.D.S.Karoon Rasheed, Advocate Sr.61162

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srg 21/11/2016



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