

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2016

CORAM:

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

Crl.O.P.No.24745 of 2016

A. Sakthivel

... Petitioner

Vs.

State represented by
the Sub Inspector of Police
Orathi Police Station
Kancheepuram District

.... Respondent

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure seeking to alter the FIR as 307 IPC instead of Section 294(b), 324 and 506(ii) IPC since the accused has tried to attempt murder of the petitioner.

For petitioner Mr. K. Paranthaman

For respondent Mr. C. Emalias
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to alter the FIR as Section 307 IPC instead of Sections 294(b), 324 and 506(ii) IPC, since the accused has tried to attempt murder of the petitioner.

2 On the complaint lodged by the petitioner, the respondent police have registered a case in Cr. No.229 of 2016 on 15.08.2016 under Sections 294(b), 324 and 506(ii) IPC against one Sivaraman and investigation is pending. While so, the petitioner, who is the de facto complainant, has filed the present Criminal Original Petition for a direction to the respondent police, as aforestated.

3 On a reading of the complaint which forms the basis of the FIR, it is seen that the said Sivaraman had caused an injury in the petitioner's forearm by saying "You die with this".

4 In the considered opinion of this Court, this solitary sentence cannot, by itself, convert the case into one under Section 307, IPC. That apart, this Court does not have

jurisdiction to issue a direction to the respondent police to investigate a case in a particular manner and alter the First Information Report. However, during the course of investigation, if evidence relating to commission of serious offences is collected, it is needless to state that the police can include those offences as well, in the final report.

With the above observations, this Criminal Original Petition stands closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

cad

To

1 The Sub Inspector of Police,
Orathi Police Station,
Kancheepuram District.

2 The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

+2cc to Mr.K.Paranthaman, Advocate Sr.65018

Cr1.O.P. No.24745 of 2016

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srg 08/12/2016

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