

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

CrI.O.P.No.4848 of 2016

S.Nirmala

.. Petitioner

Vs.

1.The Inspector of Police,
C1, Othukottai Police Station,
Thiruvallur District.

2.C.Mariaselvam

.. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the first respondent to alter the F.I.R. by including Section 302 of IPC and take steps to secure second respondent based on F.I.R. No.5 of 2016, within the time frame as fixed by this Court.

For Petitioner : Mr.I.Arockia Selvaraj

For Respondent-1 : Mr.C.Emalias
Addl. Public Prosecutor

O R D E R

The petitioner has come forward with this petition seeking for a direction to the first respondent to alter the F.I.R. by including Section 302 of IPC and take steps to secure second respondent based on F.I.R. No.5 of 2016, within the time frame as fixed by this Court.

2.The learned counsel for the petitioner submitted that the second respondent viz., Mariaselvam has intentionally committed the accident and caused death of the petitioner's husband, who was the pillion rider of the vehicle driven by the second respondent. Hence, F.I.R. may be altered by including Section 302 IPC. Therefore, she has come forward with this petition for the above stated relief.

3.Heard the learned Additional Public Prosecutor.

4.On perusal of the typed set of papers, it reveals that on 15.01.2016, the second respondent drove the motor bike and the deceased Inbam was the pillion rider and when they near the Sipcot road, due to high speed, they fell down from the vehicle and that they sustained injuries. Immediately, they were admitted in the hospital and the said Inbam died due to the grievous injuries sustained by him.

5.According to the learned Additional Public Prosecutor, even though the case has been registered for the offences under Sections 279 and 337 IPC initially, it has been altered into Section 304A IPC after the death of Inbam.

6.Now the petitioner has come forward with this petition to include Section 302 IPC in Crime No.5 of 2016. Admittedly, it is a road traffic accident. Under such circumstances, I find no reason to alter the F.I.R. by including Section 302 IPC. The first respondent is directed to investigate the matter and file a final report within a period of two months from the date of receipt of a copy of this order.

7.The Criminal Original Petition is disposed of with the above direction.

kj

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Inspector of Police,
C1, Othukottai Police Station,
Thiruvallur District.

2.The Public Prosecutor, High Court, Chennai.

+ 1 cc to Mr.B.CHANDRAN, ADVOCATE SR 13888

KR/15/3/16

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