

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.O.P.No.5289 of 2016

Pandiyan

.. Petitioner

vs.

State rep by
The Inspector of Police
Thandarampattu Police Station
Thandarampattu
Thiruvannamalai District
(Cr.No.403 of 2015)

.. Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent police to alter the FIR in Cr.No.403 of 2015 from 174 Cr.P.C. to Section 306 IPC.

For Petitioner : Mr.C.R.Malaravannan

For Respondent : Mr.C.Emalias, APP

O R D E R

This petition has been filed seeking a direction to the respondent police to alter the FIR in Cr.No.403 of 2015 from 174 Cr.P.C. to Section 306 IPC.

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

3. It is seen that one Annadurai committed suicide, pursuant to which a case in Cr.No.403 of 2015 was registered on 29.12.2015 for offence u/s 174 Cr.P.C and the investigation is in progress. While so, the petitioner, son of the deceased Annadurai, has filed the present petition for a direction to the respondent police to alter the FIR to one u/s 306 IPC. In the considered opinion of this Court, an FIR cannot be amended by virtue of a direction issued u/s 482 Cr.P.C. The respondent police have filed a counter, wherein, it is stated in paragraph nos.5 to 7 as follows:

"5. I submit that on perusal of the entire case records in Thandarampattu Police Station and the rough sketch about the scene of occurrence, I have observed that the house of the complainant and the deceased Annadurai is situated in a Otha-vadai Street (houses only on single side) and both sides of the house of the complainant and deceased Annadurai are vacant and totally only four houses are situated in the street and the entire alleged

wordy-quarrel in between the deceased Annadurai and the complainant and other members of the family in one side and the public people of the same village who are interested on the welfare of the lady Tmt.Sangeetha about the illegal-sexual relationship of the son of the deceased Annadurai by name Thiru Sathishkumar and as such there is no chance for the public to know about the alleged discussion in between the villagers and the family members of the deceased and as such the deceased Annadurai would not have been induced to commit suicide.

6. I lastly submit that in the above circumstances, a case was registered in Thandarampattu Police Station in Cr.No.403/2015 u/s 174 Cr.P.C. and the provisions of 306 IPC have not been included.

7. I submit that the investigation into this case is still pending and only after the completion of investigation, I will look after that there are sufficient evidence/materials to alter the section of law to 306 IPC and do accordingly."

4. In view of the assertion made by the Investigating Officer in paragraph no.7 extracted above, this Court directs the respondent police to conduct the investigation in an unbiased and dispassionate manner and take action in accordance with law expeditiously.

With the above observation, this petition is closed.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

gms

To

1.The Inspector of Police
Thandarampattu Police Station
Thandarampattu

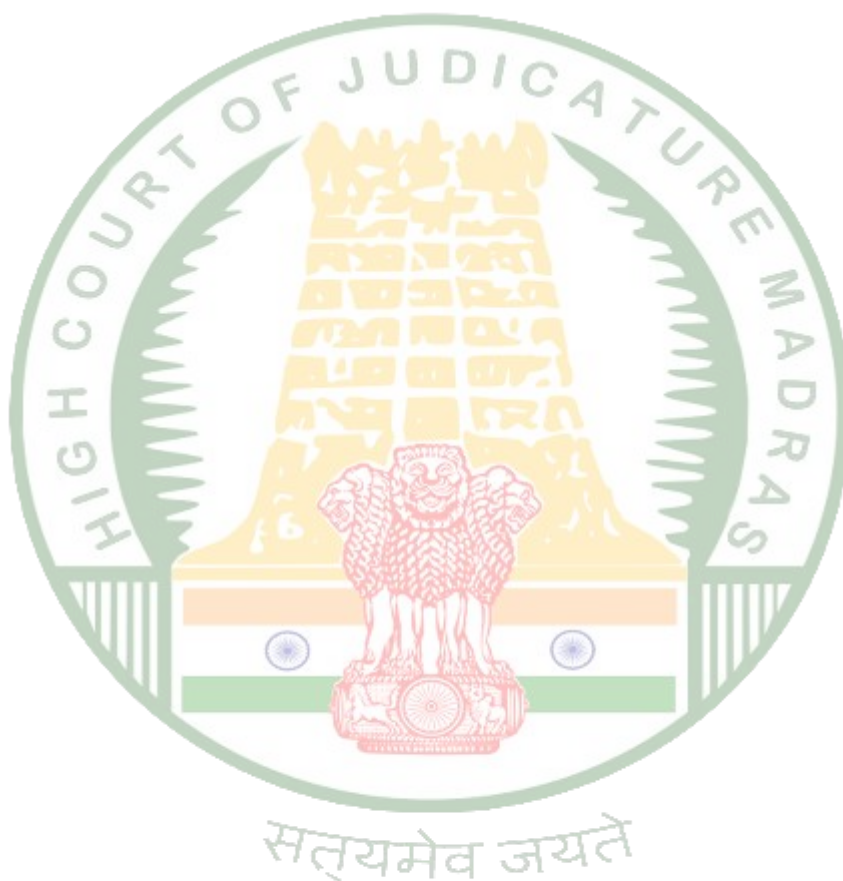
<https://hcservices.ecourts.gov.in/hcservices/>
Thiruvananthapuram District

2.The Public Prosecutor,
High Court, Madras.

1 cc to Mr.N. Mohideen Basha, Advocate, Sr. 29430

Crl.O.P.No.5289 of 2016

JRS (CO)
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