

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2016

CORAM:

THE HON'BLE MR.JUSTICE R.SUBBIAH

Crl.O.P.No.672 of 2016

Loordhu Mary

... Petitioner

Vs.,

The Sub-Inspector of Police,
Nallan Pillai Petraol Police Station,
Gingee Taluk,
Villupuram District.

.... Respondent

Prayer: Petition filed under Section 482 of the Criminal Procedure Code praying for a direction directing the respondent-Police to alter the FIR into 307 IPC and to recover the weapons used in the commission of offence in FIR No.161/2014 on the file of the respondent-Police.

For Petitioner : Mr.A.P.Peter Gunasekaran

For Respondent: Mr.C.Emalias, Additional Public
Prosecutor

ORDER

This petition has been filed by the petitioner seeking to direct the respondent-police to alter the FIR .No.161 of 2014 pending on the file of the respondent-police, by incorporating Section 307 IPC.

2.In the petition it has been stated by the petitioner that on 29.12.2014, when the petitioner was inside her house along with her husband Lawrence @ Selvam, ten persons armed with lethal weapons came to their house and attacked the petitioner's husband and caused grievous injuries to her husband and thereafter, they fled away from the spot. Immediately, the petitioner along with her relatives took the petitioner's husband to Gingee Hospital, wherein he was referred to Pondicherry Governemnt Hospital for further treatment. In this regard, a complaint was lodged before the 1st respondent against the accused persons. But, the FIR was registered only under Sections 147, 148, 294(b), 447, 323, 324 & 506(ii) IPC and not under Section 307 IPC. Hence, the petitioner has come forward with the present petition seeking a direction to the respondent-

Police to alter the FIR by incorporating the offence under Section 307 IPC, in terms of the complaint lodged by the petitioner.

3. When the matter is taken up for consideration, the learned Additional Public Prosecutor submitted that in the course of investigation, if the commission of offence under Section 307 IPC is made out, the same will be included in the final report.

4. Heard the submissions made on either side and perused the materials available on record.

5. As rightly pointed out by the learned Additional Public Prosecutor appearing for the respondent -Police, if during the course of investigation and examination of witnesses, the commission of the offence under Section 307 IPC is made out, then, it is always open to the respondent-Police to file a final report including the said offence. Even assuming that such final report does not include the charges for the offence under Section 307 IPC, it is open to the jurisdictional Court to include such charges while framing the charges if the materials on record warrant so. Hence, at this stage, it is not proper to direct the investigating agency to include the offence under Section 307 IPC in the First Information Report.

6. With the above observation, this criminal original petition is disposed of.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To,

1. The Sub-Inspector of Police,
Nallan Pillai Petraol Police Station,
Gingee Taluk,
Villupuram District.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.A.P.PeterGunasekaran, Advocate Sr.2815

CRL. O..P.No.672 of 2016

svi (CO)
srg (29/01/2016)