

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.9688 of 2016

S.Sumathi

..Petitioner

Vs

The Inspector of Police
Poolampatti Police Station
Poolampatti
Salem District.

... Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondent to alter the offence in the FIR in Cr.No.64 of 2016 on the file of the respondent.

For Petitioner : Mr.V.Elangovan

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

O R D E R

This petition has been filed to direct the respondent to alter the offence in the FIR in Cr.No.64 of 2016 on the file of the respondent.

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

3. In respect of an incident that is alleged to have taken place on 21.02.2016, the petitioner lodged a complaint dated 24.02.2016, based on which petition enquiry was conducted in CSR No.52/2016 and thereafter, a regular FIR has been registered in Cr.No.64/2016 on 28.02.2016 for offences u/s 294(b) and 509 IPC.

4. On reading of the averments in the FIR, it does not inspire the confidence of this Court, inasmuch as it is alleged by the petitioner that, when she was attending to nature's call on 21.02.2016 around 6.00 in the morning, she heard a voice and when she saw, it was this accused who is said to have abused her.

5. Unlike the Code of Civil Procedure where pleadings can

be amended, an FIR cannot be amended by virtue of orders u/s 482 Cr.P.C. However, during the course of investigation, if evidence relating to commission of other offences surfaces, it is needless to state that the police can either file an Alteration Report or include the same in the Final Report. It is also open to the police to close the case as "mistake of fact", if it is found that the complaint is a false one.

With the above observation, this Criminal Original Petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

gms

To

1.The Inspector of Police
Poolampatti Police Station
Poolampatti
Salem District.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S. Doraisamy, Advocate, S.R.No.30476

SAI(CO)
EU(16/06/2016)

सत्यमेव जयते

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