



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2016

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

Cr1.O.P. (MD) No.11861 of 2016

V.Maharaj

... Petitioner

-vs-

1. The Superintendent of Police,
Madurai District, Madurai.

2. The Inspector of Police,
Y.Othakadai Police Station,
Madurai District.

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the 2nd respondent herein to add Section 307 of IPC by modifying the FIR in Crime No.331 of 2016.

For Petitioner : Mr.P.Subbaraj

For Respondents : Mr.A.P.Balasubramani,
Govt. Advocate (Cr1. Side)

O R D E R

Whether there can be a direction to make alterations in the First Information Report by adding certain sections of Indian Penal Code is the issue raised in this case. The specific direction sought for in this petition is to add Section 307 IPC by modifying the FIR in Crime No.331 of 2016.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Cr1. Side) for the respondents.

3. In order to appreciate the direction sought for, it is necessary to explain what is meant by the First Information Report, the importance of preferring the complaint at the earliest



point of time, the sanctity attached to the First Information Report and the implication / consequences of permitting a party to amend the First Information Report.

4. The First Information Report is the information to set the criminal law in motion preferred first in point of time. As it is first in point of time, the First Information Report is expected to be a document containing vivid description of the entire incident and any addition or deletion is likely to be viewed with suspicion.

4.1. In other words, FIR means "First Information Report", which implies the report prepared based on the complaint given, which is first in point of time to the police for the purpose of registration. FIR, given to the police promptly after the offence takes place, has some sanctity attached to it. If the FIR is given promptly after the incident, it is usually felt that it is without premeditation and that it has been given in the natural way, describing the incident as it happened. A delayed FIR is sometimes seen with suspicion. Thus, it is important that the FIR should be given in the natural way describing the incident as it happened and not with premeditation or afterthoughts.

4.2. Once an FIR has been lodged, it cannot be amended. An amended FIR implies premeditated complaint or a complaint lodged after having afterthoughts, which means that there should have been embellishment in the prosecution case either by exaggerating the incident or by adding some more persons as accused and thus, giving a distorted version. If amendment is permitted in the FIR, then it cannot be termed as First Statement, first in point of time.

4.3. This situation cannot be interpreted to mean that what is omitted to be stated or what was not within knowledge of the informer at that point of time cannot be brought to light at all. In that case, it would amount to suppression of fact. The very object of investigation is lost, if such an interpretation is given. In fact, the very purpose of the police conducting detailed investigation is to ascertain the truth and to collect the evidence. Therefore, investigation also includes collection of evidence on the issue as to who all are involved in the offence as accused persons and what had happened during the occurrence and how it happened. If the investigating officer finds evidence regarding any offence which is punishable with more severe imprisonment, then it is for the Investigating Officer to file additional report.

5. Therefore, the petitioner should have sought for direction <https://hdservices.hcma.org.in/portal/index.html> to file additional report in respect of Section 307 IPC provided there are materials to make out the offence under Section 307 IPC. Fortunately for the petitioner, additional report



has been filed in respect of the offence under Section 307 IPC also, as submitted by the learned Government Advocate (Criminal Side).

6. Hence, in view of the submission made by the learned Government Advocate (Crl.Side), the relief sought for in the petition has become infructuous and the petition is dismissed.

sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To:

1. The Superintendent of Police,
Madurai District, Madurai.
2. The Inspector of Police,
Y.Othakadai Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 cc to MR.P.SUBBARAJ, Advocate Sr.No.36770.

mj/ar

SMA/DB/03.08.2016: 3P/5C

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