



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 12.02.2016

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP(MD) No.2561 of 2016

K. Saravana Kumar .. Petitioner/ Defacto Complainant

Vs

1. The Superintendent of Police,
Alagarkovil Road,
K.Pudur,
Madurai.

2. The Commissioner of Police,
Madurai City,
Madurai.

3. The Sub Inspector of Police,
B3, Theppakulam(Crime) Police Station,
Madurai District.

.. Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the third respondent herein to alter the First Information Report in respect of the date of missing of the petitioner's two wheeler vehicle bearing its Registration No. TN 64-L-1375 Black Colour, Bajaj Pulsar from 21.10.2015 to 21.11.2015 in the First Information Report, registered in Crime No.20 of 2016, on the file of the third respondent herein, dated 04.01.2016, by considering the petitioner's representation dated 06.02.2016.

For Petitioner :Mr.A.Saravanan

For Respondents :Mrs.S.Prabha,

Government Advocate(Crl. Side)

ORDER

Seeking a direction to the third respondent herein to alter the First Information Report in respect of the date of missing of the petitioner's two wheeler, bearing Registration No.TN64-L-1375 Black Colour, Bajaj Pulsar from 21.10.2015 to 21.11.2015 in the First Information Report, registered in Crime No.20 of 2016, on the file of the third respondent herein, dated 04.01.2016, the petitioner has come up with this petition.

2. I have heard the learned counsel for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondents and I have also perused the records carefully.



3. It is seen that the petitioner had given a complaint, based on which, a case has been registered on 04.01.2016 in Crime No.20 of 2016 under Section 379 of I.P.C. It is the case of the petitioner that he is the owner of Bajaj Pulsar two wheeler, bearing Registration No.TN 64-L-1375, which was stolen on 21.11.2015, whereas, in the Complaint given by him, he has stated it as '21.10.2015' and based on which, an FIR has been registered.

4. It is the contention of the petitioner that his vehicle itself was purchased only on 29.10.2015 and therefore, it could not have been lost on 21.10.2015. Therefore, the learned counsel for the petitioner has contended that there is a palpable error in the First Information Report and the First Information Report should be altered. Unlike, the code of Civil Procedure, where a plaint and written statement can be amended, under the Code of Criminal Procedure, there is no provision for alteration or amendment of an FIR. However, it is open to the police to take all these factors into consideration and record a statement under Section 161 Cr.P.C. on this aspect and mention about the same in the final report.

With the above observation, this petition is closed.

Sd/-

Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar
Madurai Bench of Madras High Court,
Madurai.

pmu/RR

To

1. The Superintendent of Police,
Alagarkovil Road, K.Pudur, Madurai.
 2. The Commissioner of Police, Madurai City, Madurai.
 3. The Sub Inspector of Police,
B3, Theppakulam (Crime) Police Station, Madurai District.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +2 cc to Mr.A.Saravanan, Advocate, SR No.8667

Order made in
Crl.O.P.(MD) No.2561 of 2016
Dated:-12.02.2016