

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 25.04.2016****CORAM:****THE HONOURABLE MR. JUSTICE P.N. PRAKASH****Crl.O.P. (MD) No.6700 of 2016****WEB COPY**

Sankar

... Petitioner

vs.

1. The Superintendent of Police
Office of the Superintendent of Police
Thanjavur District

2. The Deputy Superintendent of Police
Office of the Superintendent of Police
Vallam, Thanjavur District

3. The Inspector of Police
Tamil University Police Station
Thanjavur District

... Respondents

PRAYER: This petition is filed under Section 482 Cr.P.C., to direct the third respondent to register F.I.R., on the basis of the complaint preferred by the petitioner, dated 31.03.2016, and take action in accordance with law within the time stipulated.

For Petitioner : Mr.R.Alagumani

For Respondents : Mrs.S.Prabha, G.A. (Crl.Side)

ORDER

The petitioner has filed this criminal original petition, under Section 482 of the Code of Criminal Procedure, seeking direction upon the third respondent to register a case, based on his complaint, dated 31.03.2016, and take action in accordance with law within a time stipulated.

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

3. It is seen that based on the petitioner's complaint, on 30.03.2016 the respondent Police have already registered a case in Crime No.83 of 2016, for the offences punishable under Sections 294(b) and 323 I.P.C. The petitioner's grievance is that even though his complaint disclosed cognizable offences under Sections 3(1)(x) and 3(1)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Sections 294(b), 307, 325, 406, 420 and 506(ii) I.P.C., the respondent Police have registered the case only under Sections 294(b) and 323 I.P.C. Therefore, he lodged a fresh complaint once again.



4. Unlike the Civil Courts, where pleadings can be amended, in Criminal Cases F.I.R., cannot be amended. However, during investigation, if the respondent Police obtain evidence to show that provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 have been violated, it is needless to say that the same as well as other I.P.C., provisions should be included in the final report and not otherwise. Accordingly, this criminal original petition is dismissed.

Sd/-

Assistant Registrar(Writ)

/True copy/

Sub Assistant Registrar

Madurai Bench of Madras High Court,
Madurai.

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To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Thanjavur District.
- 2.The Deputy Superintendent of Police,
Office of the Superintendent of Police,
Vallam, Thanjavur District.
- 3.The Inspector of Police,
Tamil University Police Station, Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 cc to Mr.R.Alagumani,Advocate Sr No.23881

RG.NGM-SS 06.05.2016 2P/6C

Cr1.O.P.(MD) No.6700 of 2016
25.04.2016