



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.03.2016

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THE HON'BLE MR.JUSTICE P.N.PRAKASH

W.P. (MD) No.6135 of 2016

S.Kulandhai Therasu

... Petitioner

-vs-

1.The Superintendent of Police,
Trichy District.

2.The Inspector of Police,
Vaiyampatti Police Station,
Trichy District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the respondents to consider the petitioners representation dated 13.01.2016 within stipulated time fixed by this Honble Court and to amend or alter the FIR in Crime No. 384/2015 on the file of the 2nd respondent by include the vehicle name and registration number which is involved in the accident took place on 25.11.2015 and to take proper action in accordance with law.

For Petitioner : Mr.A.Thiyagarajan
For Respondents : Mr.D.Muruganandam,
Addl. Govt. Pleader

O R D E R

This writ petition has been filed, seeking a direction to the respondents to consider the petitioners representation dated 13.01.2016 within stipulated time fixed by this Honble Court and to amend or alter the FIR in Crime No. 384/2015 on the file of the 2nd respondent by include the vehicle name and registration number which is involved in the accident took place on 25.11.2015 and to take proper action in accordance with law.

2. Heard the learned Counsel appearing for the petitioner and the learned Additional Government Pleader who takes notice for the respondents.

3. It is seen that on the complaint given by one Chinnappan, the second respondent police registered a case in Cr.No.384 of 2015 for the offences under Sections 279 and 304(A) I.P.C. against the petitioner's husband for rash and negligent driving. It is seen that the petitioner's husband died in the



accident. In the F.I.R. registered, the vehicle number has been given as TN-45-AE-0560 Splendor Plus.

4. Now it is contended by the petitioner that her husband died in the road accident involving with another vehicle and the name of that vehicle should be included in the F.I.R. The petitioner has given a representation dated 13.01.2016 to the second respondent.

5. Unlike the code of Criminal Procedure where the pleadings can be amended, the F.I.R. once registered cannot be amended. However, during the course of investigation, new facts come to light, it is open to the police to file a report altering the penal sections. Hence, the prayer of the petitioner for amendment of F.I.R. is not sustainable and there is no merit in this petition. Accordingly, this Criminal Original Petition is dismissed. However, the respondent police is directed to consider the representation of the petitioner dated 13.01.2016 given by the petitioner and conduct the investigation in accordance with law.

Sd/-
Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

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To:

1.The Superintendent of Police,
Trichy District.

2.The Inspector of Police,
Vaiyampatti Police Station,
Trichy District.

+1CC to Spl.Government Pleader Sr.No.17590
+1CC to Mr.A.Thiyagarajan Advocate Sr.No.17861

GJm/SKs/RR/11.4.16-2p-5C

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