



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2016

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

Crl.O.P. (MD) No.4344 of 2016

G.Joseph Agnel Ramesh

... Petitioner

vs.

State through

1. The Superintendent of Police
Office of the Superintendent of Police
Tirunelveli District, Tirunelveli

2. The Inspector of Police
Valliyoor Police Station
Valliyoor, Tirunelveli District

3. G.Jaison Daniel ... Respondents
(R3 is impleaded vide Order, dated
22.04.2016, in Crl.M.P.(MD) No.2945 of 2016)

PRAYER: This petition is filed under Section 482 Cr.P.C., to direct the second respondent to consider the representation, dated 19.02.2016, in altering the F.I.R., in Crime No.16 of 2016, on the file of the second respondent based on the representation of the petitioner, dated 19.02.2016.

For Petitioner : Mr.B.Char Murugan

For Respondents : Mrs.S.Prabha,
G.A.(Crl.Side) for R1 & R2

Mr.K.Sivabalan for R3

O R D E R

The petitioner has filed this criminal original petition, under Section 482 of the Code of Criminal Procedure, seeking direction upon the second respondent to consider his representation, dated 19.02.2016, to alter the F.I.R., registered in Crime No.16 of 2016.

<https://hcservices.ecourts.gov.in/hcservices/>

2. Heard the learned counsel appearing for the petitioner, the



learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 and Mr.K.Sivabalan, learned counsel appearing for the third respondent.

3. It is seen that on the complaint, lodged by the third respondent herein, the second respondent Police registered a case, in Crime No.16 of 2016, on 12.01.2016, for the offences punishable under Sections 409, 294(b) and 506(i) I.P.C., against Joseph Agnel / petitioner herein and Jayamala. Whiles, the petitioner / first accused Joseph Agnel appears to have sent a representation, dated 19.02.2016, to the respondent Police to alter the F.I.R., and since no step was taken on his complaint, he has filed this criminal original petition seeking the relief as stated above.

4. In the considered opinion of this Court, such a prayer is not maintainable under Chapter XII of the Code of Criminal Procedure. It is a statutory duty cast upon the Investigating Officer to proceed with the investigation by following the procedure laid down therein and it is not open to this Court to interdict and give any such direction as prayed for by the petitioner.

5. In the result, this criminal original petition is dismissed and the respondent Police are directed to conduct a fair investigation of the case and take action in accordance with law.

Sd/-

Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Tirunelveli District, Tirunelveli.
2. The Inspector of Police,
Valliyoar Police Station,
Valliyoar, Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.B.Char Murugan, Advocate, Sr.No.22724
krk

JM/SK-SKN/03.05.2016/2P-5C