

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.35173 of 2016

ORDER:

The writ petition is filed by the petitioner seeking a writ of mandamus declaring the action of the second respondent in altering Section 324 IPC to Section 307 IPC in F.I.R.No.586 of 2016 on the file of the second respondent as illegal, arbitrary and violation of Article 14 of the Constitution of India and consequently to quash the same.

Heard and perused the material.

Learned counsel for the petitioner submits that the second respondent registered the crime against the petitioner herein on the basis of the false complaint given by the third respondent for the offence under Section 324 IPC and subsequently, with an intention to implicate the petitioner in a serious offence, the offence under Section 324 IPC is altered to Section 307 IPC though the complaint does not disclose the ingredients of Section 307 IPC. He further submits that the petitioner is ready to cooperate with the investigating agency. Hence, he prays this Court to quash F.I.R.No.586 of 2016 on the file of the second respondent.

This Court is not inclined to quash the proceedings at the threshold. However, taking into consideration the fact that initially the offence is registered under Section 324 IPC and subsequently the same is altered to Section 307 IPC and also the submission of the learned counsel for the petitioner that the petitioner is ready to cooperate with the investigating agency, the second respondent is directed to complete the investigation without arresting the petitioner and file final report, if any, in accordance with law. The petitioner is also

directed to appear before the second respondent, every Monday for a period of four weeks, for the purpose investigation.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions, if any shall also stand disposed of.

JUSTICE RAJA ELANGO

26.10.2016
pln

