

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Cr1.O.P.No.27625 of 2016

K.Arjunan

[Petitioner]

Vs

The State rep.by
The Inspector of Police,
S5 Pallavaram Police Station,
Pallavaram, Chennai-600 043.

[Respondent]

Petition filed under Section 482 of the Criminal Procedure Code, to direct the respondent to alter the F.I.R. No.1949/2016 and include Section 307 IPC in the original F.I.R.

For Petitioner : Mr.S.Suresh

For Respondent : Mr.C.Emalias,
Additional Government Pleader

O R D E R

This Criminal Original Petition has been filed to issue a direction to the respondent to alter the F.I.R. registered in Crime No.1949/2016 by including Section 307 IPC.

2. There is a civil dispute between the petitioner and one Selvam, and the civil suit filed by the petitioner against the said Selvam in O.S.No.196 of 2007 on the file of the District Munsif Court, Alandur ended in favour of the petitioner. Pursuant to the same, the said Selvam and his two sons entered into the house of the petitioner and attacked the petitioner and his son, heavily with lethal weapons. Due to the attack, the petitioner is in the Intensive Care Unit and he is bedridden. The petitioner's son was also heavily injured and he is not able to feed directly and only liquid diet is given to him. In these circumstances, the complaint registered against the said Selvam and others, by the respondent police is only under Sections 294 (b), 324 and 506(ii) IPC. The petitioner states that Section 307 IPC has to be included along with other sections in the First Information Report, as the averments of the complaint clearly disclose cognizable offence under Section 307 IPC.

3.Mr.C.Emalias, learned Additional Public Prosecutor takes notice for the respondent.

4.Upon perusal of the medical certificates and the photographs now produced by the learned counsel for the petitioner, it is seen that there is a prima facie case made out under Section 307 IPC to be included in the First Information Report. Hence, the respondent police is directed to approach the concerned Magistrate, who in turn, shall return the charge sheet to the respondent police. Thereafter, the respondent police shall include Section 307 IPC also in the F.I.R., registered against the said Selvam and others. Such exercise shall be completed within a period of three weeks from the date of receipt of a copy of this order.

5.The Criminal Original Petition is disposed of accordingly.

s/d-
Assistant Registrar(CCC)

//True Copy//

Sub-Assistant Registrar

KM
To

1. The Inspector of Police,
Pallavaram Police Station,
Pallavaram, Chennai-600 043.
 2. The Assistant Commissioner of Police,
Pallavaram, Chennai.
 3. The Public Prosecutor,
Madras High Court,
Chennai-600 104.
- +1 CC to Mr. S. Suresh, Advocate sr 5048

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