



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P.(MD)No.16898 of 2017

Nallammal

:Petitioner

-Vs-

1. The Superintendent of Police,
Dindigul District, Dindigul.

2. The Sub Inspector of Police,
Vadamadurai Police Station,
Dindigul District.

:Respondents

PRAYER: Criminal Original petition filed under Section 482 of Criminal Procedure Code, to direct the second respondent to alter the First Information Report registered in Cr No. 363/2017 dated 01.10.2017 for the alleged offences under sections 294(b), 325 and 307 of IPC instead of the offences under Sections 294(b) and 324 of IPC based on the complaint dated 20.11.2017 preferred by the Petitioner.

For Petitioner : Ms.M.Benazir Begum

For Respondents : Mr.K.S.Duraipandian
Additional Public Prosecutor

O R D E R

The Criminal Original Petition is filed to direct the second respondent to alter the First Information Report registered in Cr. No. 363/2017 dated 01.10.2017 for the alleged offences under sections 294(b), 325 and 307 of IPC instead of the offences under Sections 294(b) and 324 of IPC based on the complaint, dated 20.11.2017, preferred by the Petitioner.

2.The petitioner has earlier lodged a complaint, dated 01.10.2017, in relation to an occurrence dated 30.09.2017, disclosing that the injury is not serious. The learned Counsel for the petitioner has also submitted a medical report, wherein, it is stated that the injury is simple. The learned Counsel for the respondent has relied upon the CT Scan report of the petitioner and pointed out that there was a swelling of soft tissue on right parietal region.



3.It is further submitted that the brain is like any other body tissue and it is filled with fluid and swells. This swelling is also increasing the pressure inside the head and can cause serious injury to brain. Since, the finding of the scan report clearly discloses that there is a swelling in the brain tissue, it is contended by the learned Counsel for the petitioner that the injury cannot be treated as simple. It is open to the petitioner to give her 161(1) statement and produce all relevant records and the same will be considered in accordance with law at the time of framing charges or filing the final report.

4.Going by the records, the issue is not simple as it is put forth by the petitioner. Since, there is a contradiction between the original statement and the subsequent representation of the petitioner, this Court is not inclined to entertain this petition. Accordingly, the Criminal Original Petition is dismissed. However liberty is given to the petitioner to give proper evidence and the statement of the medical officer, so that the same will be considered by the respondent police at the time of framing charges or filing final report.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Dindigul District, Dindigul.
2. The Inspector of Police,
Vadamadurai Police Station,
Dindigul District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

cmr

MV:GT:SAR4:22/01/2018/2P/4C

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