



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2017

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

WEB COPY

CRL.O.P. (MD) No.3195 of 2017

and

CRL.M.P. (MD) No.2428 of 2017

1.Sudhakar

2.Bose @ Bojan @ Balamuruganantham :Petitioners / Accused No.1& 2

-Vs-

1.The State Rep.by

The Inspector of Police,
Thandigudi Police Station,
Thandigudi,
Dindigul District.

(Crime No.145 of 2016).

: 1st Respondent / Complainant

2.Muruganandam (died)

: 2nd Respondent/ Defacto Complainant

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code praying to call for the records pertaining to the FIR Crime No.145 of 2016 on the file of the 1st Respondent and quash the same as illegal.

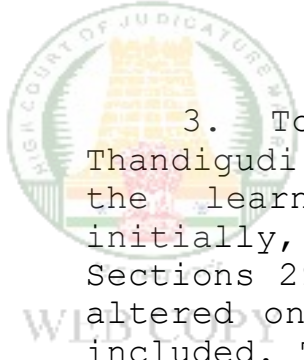
For Petitioners : Mr.P.Banuprasath

For Respondent No.1 : Mr. A.P.Balasubramani,
Government Advocate (Crl.side)

O R D E R

On the complaint lodged by one Muruganandam, the respondent Police registered as a case Crime No.145 of 2016, on 31.08.2016 under Sections 294 (b) and 323 of the Indian Penal Code against three accused including the petitioners herein. During the course of investigation, it came to light that offences under the SC/ST Act were also committed and, therefore, an alteration report was filed on 15.09.2016 including the offences under Section 3 (1)(r) (s) of SC/ST (POA) Act, 2014 along with the existing penal provisions. Challenging the First Information Report, the petitioners are before this Court.

2. Heard the learned counsel for the petitioners and also the learned Government Advocate (Crl.Side) for the first respondent.



3. Today, Mr.A.Kasbar, Special Sub-Inspector of Police, Thandigudi Police Station, is present in Court. On instructions, the learned Government Advocate (Crl.Side) submitted that initially, the case was registered only for the offences under Sections 294(b) and 323 of the Indian Penal Code and later, it was altered on 15.09.2016 and the offences under the SC/ST Act were included. Thereafter, the victim was in such a critical condition and that there was a second alteration report altering the offence one under Section 307 of the Indian Penal Code. Subsequently, the victim died on 26.12.2016, pursuant to which, the First Information Report has now been altered and the offence under Section 302 of the Indian Penal Code has been included. The bail that was granted to the accused has also been cancelled by the Session Court.

4. In the light of such materials having come on record during investigation, this is not a fit case to quash the First Information Report at the threshold.

5. In the result, this Criminal Original Petition stands dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To

1.The Inspector of Police,
Thandigudi Police Station,
Thandigudi,
Dindigul District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.P.Banuprasath, Advocate, SR No.16385

SML

PSM/RR/03.04.2017/2P/4C

Order made in
CRL.O.P. (MD) No.3195 of 2017
Dated: 21.03.2017