

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2018

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.9348 of 2018

Muthusamy

... Petitioner

Vs.

State rep. By its

- 1.The Superintendent of Police,
Thiruchengode Taluk,
Namakkal District.
- 2.The Inspector of Police,
Thiruchengode Rural Police Station,
Namakkal District.
(Crime No.74 of 2018)

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction, directing the second respondent to conduct further investigation by altering the FIR in Crime No.74 of 2018 by including the offences under Section 326 of IPC & 3(1)(r), 3(2)(Va) SC/ST (Prevention of Atrocities) Amendment Act-2015 and to include the accused persons namely Kumaragurupan, Sabari, Susindharan & Anandhi and to file final report.

For Petitioner	: Mr.W.Camyles Gandhi
For Respondents	: Mr.M.Mohamed Riyaz
	Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for a direction to the second respondent police to conduct further investigation in Crime No.74 of 2018 and alter the FIR by adding the offence under Section 326 of IPC & 3(1)(r), 3(2)(Va) SC/ST (Prevention of Atrocities) Amendment Act-2015.

2.The learned Additional Public Prosecutor, on instructions, would submit that the investigation has been completed and a

final report has already been filed before the Judicial Magistrate IV, Thiruchengode on 24.03.2018.

3.In view of the above, the relief as sought for by the petitioner cannot be granted by this Court. The second respondent police is directed to number the final report within a period of 10 days from the date of receipt of a copy of this order. If the final report does not reflect the offences that have been committed for which there are materials available, the Court below has sufficient powers to add the relevant provisions. The powers of the Court below under Section 216 of Cr.P.C. is wide enough to alter the charges at any stage, till the final judgment is passed in this case. Therefore, the petitioner can always work out his remedy before the Court below in the course of proceedings, in accordance with law.

4.This Criminal Original Petition is disposed of with the above directions.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Superintendent of Police,
Thiruchengode Taluk,
Namakkal District.

2.The Inspector of Police,
Thiruchengode Rural Police Station,
Namakkal District.

3.The Judicial Magistrate No.II,
Thiruchengode.

4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.W.Camylen Gandhi, Advocate, S.R.No.82382

CrI.O.P.No.9348 of 2018

CA(CO)
GSP(17/12/2018)