

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.3878 of 2018

J.Vasudevan

... Petitioner

Vs

1. The Deputy Inspector General of Police,
O/o. Deputy Inspector General of Police,
Vellore District, Vellore.
- 2.The Superintendent of Police,
O/o.Superintendent of Police,
Vellore District, Vellore.
3. The Inspector of Police,
Town Police Station,
Gudiyattam, Vellore District. ... Respondents

Prayer:Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the 3rd respondent herein to alter the FIR in Crime No.700 of 2017 under Section 379 of IPC and to file final report in accordance with law.

For Petitioner : Mr.S.Santhan

For Respondents : Mrs.P.Kritika Kamal,
Government Advocate(Crl.Side)

O R D E R

This Criminal Original Petition has been filed seeking a direction to the third respondent herein to alter the FIR in Crime No.700 of 2017 under Section 379 of IPC and to file a final report.

2.Heard Mr.S.Santhan, learned counsel for the petitioner as well as Mrs.P.Kritika Kamal, learned Government Advocate (Crl. Side) appearing on behalf of the respondents.

3.The grievance of the petitioner is that though the averments in the complaint clearly constitute the offence under

Section 379 IPC against the accused persons therein, the third respondent police has not filed the FIR for the offence under Section 379.

4. In my view, alteration of the offence is within purview of the third respondent and is based on material collected during the course of investigation. Such investigation shall be monitored by the second respondent and on completion of the investigation, if the third respondent is of the view that prima case is made out, it is open to him to file a final report accordingly.

5. In view of the same, the third respondent is directed to complete the investigation in Cr.No.700 of 2017 and to file a final report within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above observation and direction, this Criminal Original Petition stands disposed of.

Sd/-
Assistant Registrar (AUDIT)

//True Copy//

Sub Assistant Registrar

DP/vv

To

1. The Deputy Inspector General of Police,
O/o. Deputy Inspector General of Police,
Vellore District, Vellore.
2. The Superintendent of Police,
O/o. Superintendent of Police,
Vellore District, Vellore.
3. The Inspector of Police,
Town Police Station,
Gudiyattam, Vellore District.

4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.SANTHAN, Advocate, S.R.No.16143

Cr1.O.P.No.3878 of 2018

SJ(CO)
TR(20/03/2018)



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