

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 12.11.2018

CORAM:

THE HON'BLE MR.JUSTICE N. ANAND VENKATESH

CrI.O.P.No.22441 of 2018

M.Nagarajan

... Petitioner

Vs.

The Inspector of Police,
H-2, Guduvancherry Police Station,
Kancheepuram District.
(Crime No.348/2018)

... Respondent

For Petitioner : Mr.H.Venkateswaran

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor.

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C, to direct the H-2, Guduvancherry Police Station to secure the accused persons Mr.K.Subramanian and his wife Mrs.Indirani for having done the criminal activities to the affected person Mrs.N.Santhi.

ORDER

This petition has been filed for a direction to the respondent police to secure the accused person in the pending investigation in Cr.No.348 of 2018.

2. It is seen from the records that the petitioner's wife was attacked by the accused persons and she had sustained injuries and she was admitted to the hospital. Thereafter, a complaint was given to the respondent police and FIR has been registered in Cr.No.348 of 2018 for an offence under Section 294 (b), 323, 324 of IPC. According to the petitioner, the respondent police ought to have added Section 307 and 308 of IPC in the FIR. According to the petitioner, the injured person is suffering from after effects of the attack made against her and the respondent police have not taken any steps to secure the accused persons. Therefore, the present petition has been filed seeking for appropriate directions.

3. The respondent police are investigating the case and if in the course of investigation, the respondent police finds that an offence of attempt to murder has been made out, they can always alter the FIR. That apart, if the respondent police

finds that there are sufficient materials against the accused persons and custodial interrogation will be required during the course of investigation, the respondent police can always arrest the accused persons. This Court cannot give any positive direction in this regard, since the investigation is in the exclusive domain of the respondent police. However, it is made clear that the investigation must be done in a fair and proper manner.

4. With the above observation, this Criminal Original Petition is disposed of.

-s/d-

Assistant Registrar (CCC)

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police,
H-2, Guduvancherry Police Station,
Kancheepuram District.
2. The Public Prosecutor,
Madras High Court, Madras

Crl.O.P.No.22441 of 2018

BS (CO)
SP (06/12/2018)

सत्यमेव जयते

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