

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.14902 of 2018

B.Manimegalai

.. Petitioner/Wife of the deceased

Vs

State rep. by
The Inspector of Police,
E-1 Mamallapuram Police Station,
Mamallapuram,
Kanchipuram District,
Tamilnadu 603 104.

.. Respondent

Criminal Original Petition filed under Section 482 Cr.P.C.,
praying to direct the respondent to alter the FIR under Section
302 IPC instead of Section 174 Cr.P.C. in Crime No.332 of 2017
dated 25.07.2017 pending on the file of the respondent Police
based on the petitioner's representation dated 03.03.2018.

For Petitioner : Mr.S.John J.Raja Singh

For Respondent : Mr.C.Iyyapparaj, APP

O R D E R

This Criminal Original Petition has been filed to direct the
respondent Police to alter the FIR under Section 302 IPC instead
of Section 174 Cr.P.C. in Crime No.332 of 2017.

2.Heard the learned counsel appearing for the petitioner and
the learned Additional Public Prosecutor appearing for the
respondent.

3.Pursuant to the death of one Babu, on the complaint lodged
by his son Siranjeevi, the respondent Police registered a case
in Crime No.332 of 2017 on 25.07.2017 under Section 174 Cr.P.C.
and took up the investigation of the case. While so,
Manimegalai, wife of the deceased has filed the present petition
with the above prayer.

4.Today, Mr.K.Dhasaratha, SSI, E-1 Mamallapuram Police
Station is present before this Court. On instructions, learned

Additional Public Prosecutor submitted that investigation in Crime No.332 of 2017 was conducted and it was found that Babu had accidentally slipped and fallen down and his death was not homicide. Therefore, the respondent have filed a Closure Report before the Tahsildar, Thirukazhukundram on 02.08.2018.

5.In view of the above, this Court directs the Tahsildar, Thirukazhukundram to take photocopies of the entire records and after retaining the photocopies in his file, forward the original records in E-1 Mamallapuram Police Station Crime No.332 of 2017 to the Judicial Magistrate, Thirukazhukundram within a period of four weeks from the date of receipt of a copy of this order. Liberty is granted to the de facto complainant to file a protest application before the learned Judicial Magistrate, Thirukazhukundram in Crime No.332 of 2017 within a period of eight weeks from the date of receipt of a copy of this order.

With the above direction, this petition is closed.

Sd/-

Assistant Registrar(CS IV)

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Sub Assistant Registrar

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To

1.The Judicial Magistrate,
Thirukazhukundram.

2.The Tahsildar,
Thirukazhukundram.

3.The Inspector of Police,
E-1 Mamallapuram Police Station,
Mamallapuram,
Kanchipuram District,
Tamilnadu 603 104.

4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Jothilingam, Advocate Sr.52717

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srg 14/08/2018