

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.06.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.15599 of 2018

G.Javid @ Javid Basha

.. Petitioner

Vs

The State rep. by its
The Inspector of Police,
Vellore North Police Station [crime],
Vellore.
[Cr.No.114 of 2018]

.. Respondent

Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondent police to alter the FIR and include other accused Hameed's name in Cr.No.114 of 2018 dated 15.03.2018 on the file of the respondent.

For Petitioner : Mr.E.C.Ramesh

For Respondent : Mr.C.Raghavan, Govt. Advocate

ORDER

This petition has been filed to direct the respondent police to alter the FIR in Cr.No.114 of 2018 dated 15.03.2018.

2.Heard the learned counsel for the petitioner; the learned Government Advocate appearing for the respondent and perused the materials placed on record.

3.On the complaint lodged by the petitioner, the respondent Police have registered a case in Crime No.114 of 2018 on 15.03.2018 under Sections 341, 384 and 506[ii] of IPC against Wahid [A1], Akthar [A2] and unknown others. It is the case of the petitioner that while he was standing near Makkan junction on 13.03.2018 around 8.30 p.m., five persons waylaid him and assaulted him and took away Rs.35,000/- and gold jewels. In his complaint, he has named Wahid and Akthar and has stated that he does not know the name of others. Thereafter, the petitioner has

given a representation dated 17.03.2018 to the Police, alleging that one Hameed and Ibrahim were also present. After giving the said representation, he has filed the present petition for a direction to the respondent Police to alter the FIR.

4.Unlike civil cases, where the pleadings can be amended, an FIR cannot be amended at the asking of the de facto complainant. During the course of investigation, if the Police are able to identify the unknown persons, it is open to them to include them as accused in the final report. In this case, the petitioner was conscious, while he was taking treatment in the hospital and he has named only two persons, namely, Wahid and Akthar, who have been shown as A1 and A2. Hence, no directions can be issued as prayed for by the petitioner under Section 482 of Cr.P.C. and this petition stands dismissed.

Sd/-

Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

gya

To

1.The Inspector of Police,
Vellore North Police Station [crime],
Vellore.

2.The Public Prosecutor,
High Court, Madras.

CRL.OP.No.15599 of 2018

NA(CO)
GN(27/06/2018)

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