

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.O.P.No.18508 of 2018

Sathya

...Petitioner

Vs

1.The Superintendent of Police
Tiruvannamalai District
Tiruvannamalai.

2.The Deputy Superintendent of Police
Polur
Tiruvannamalai District.

3.The Inspector of Police
Polur Police Station
Polur
Tiruvannamalai District.

...Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the respondent to include Section 302 of IPC in Crime No.859 of 2017 against Elumalai, S/o.Annamalai and investigate the same.

For Petitioner : Mr.B.Jawahar

For Respondents : Mr.C.Raghavan

Government Advocate (CrI.Side)

सत्यमेव जयते
O R D E R

This Criminal Original Petition has been filed seeking a direction to the respondent police to include Section 302 of IPC in Crime No.859 of 2017 against Elumalai, S/o.Annamalai and investigate the same.

2. Today T.Sankar, Special Sub Inspector, Polur Police Station, Thiruvannamalai District, is present before this Court.

3. Pursuant to the death of one Chinnapappa, aged about 70 years, on the complaint given by the petitioner, a case in Crime No.859 of 2017 has been registered on 08.12.2017 under Section 174 Cr.P.C. and the investigation is in progress. While so, the

petitioner has filed the present petition with a direction to the respondent police to alter the FIR, by including Section 302 IPC.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side).

5. In the opinion of this Court, a direction of this nature cannot be issued in the light of the law laid down by the Privy Council in King Emperor vs. Khwaja Nazir Ahmad [(1943-44) 71 IA 203] which judgement has been approved by a catena of judgments of the Supreme Court. Hence, this Court cannot interfere with the domain of the police and issue a direction to alter the FIR. As and when the police collect the materials, it is open for them to file the alteration report in accordance with law and the respondent police is directed to complete the investigation expeditiously.

With the above observation, this petition is closed.

-s/d-
Deputy Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Superintendent of Police
Tiruvannamalai District
Tiruvannamalai.

2.The Deputy Superintendent of Police
Polur
Tiruvannamalai District.

3.The Inspector of Police
Polur Police Station
Polur
Tiruvannamalai District.

4.The Public Prosecutor
High Court, Madras.

+1 CC to Mr.B.Jawahar, Advocate sr 49089.

Crl.O.P.No.18508 of 2018

SP(01/08/2018)