

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.07.2018

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THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.18584 of 2018

N.Vidhyalakshmi

.. Petitioner

Vs

State rep. by

The Inspector of Police,
E-5 Sholavaram Police Station,
Ponneri, Thiruvallur District.

.. Respondent

Criminal Original Petition filed under Section 482 Cr.P.C., praying to direct the respondent to alter the FIR by correcting the name of the petitioner as N.Vidhyalakshmi instead of Nithiyalakshmi and also her son name as N.Miruchulesh in Crime No.399 of 2018.

For Petitioner : Mr.V.Anandagopalan
For Respondent : Mr.C.Raghavan, GA

ORDER

This Criminal Original Petition has been filed to direct the respondent to alter the FIR in Crime No.399 of 2018 by correcting the name of the petitioner as N.Vidhyalakshmi instead of Nithiyalakshmi and also her son's name as N.Miruchulesh.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondent.

3.On the complaint lodged by Nishanthan, the respondent Police registered a case in Crime No.399 of 2018 on 11.06.2018 under Section 279, 337 and 304[A] IPC. It is the case of Nishanthan that on 11.06.2018, his brother-in-law Ranjith took "Nishanthan's" wife and son in a two wheeler and while they were proceeding towards Red Hills, a lorry bearing registration No.AP04 TU 7804 hit the motorcycle, on account of which, Ranjith died on the spot and the other two suffered injuries. In his complaint, he has given his wife's name as Nithyalakshmi. Under such circumstances, one Vidhyalakshmi claiming herself to be the

wife of Nishanthan has filed the present petition for a direction to the respondent Police to alter the name in the FIR by substituting the name of Vidhyalakshmi in the place of Nithyalakshmi.

4.Learned counsel for the petitioner submitted that Vidhyalakshmi suffered injuries and she will be entitled to MCOP compensation. But, on account of wrong name that has been recorded in the FIR, she is unable to file a claim petition.

5.In the opinion of this Court, no direction as prayed for by the petitioner can be granted straightaway. However, the Police can always file an alteration report, after due investigation with regard to the correct name of the injured person. Therefore, this Court directs the respondent Police to conduct investigation on this aspect and if the Investigating Officer is satisfied that it was Vidhyalakshmi, who was injured in the accident and there is no one by name Nithyalakshmi, it is needless to state that an alteration report should be filed within four weeks from the date of receipt of a copy of this order before the concerned jurisdictional Magistrate.

With the above direction, this petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
E-5 Sholavaram Police Station,
Ponneri, Thiruvallur District.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.V.Anandagopalan, Advocate sr.no.49163

CRL.OP.No.18584 of 2018

nr 31/07/2018