

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.19851 of 2018

K.Durai Selvam

.. Petitioner

Vs

The State,rep. by
The Sub-Inspector of Police,
Vandavasi South Police Station,
Thirunavannamalai District.
.. Respondent

Criminal Original Petition filed under Section 482 Cr.P.C.,
praying to direct the respondent to alter F.I.R. in Cr.No.104 of
2018 on the file of the Respondent.

For Petitioner : Mr.L.P.Balaji Ram
For Respondent : Mrs.M.Prabhavathi, APP

O R D E R

This Criminal Original Petition has been filed to direct the
respondent to alter F.I.R. in Cr.No.104 of 2018 on the file of
the Respondent.

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

3.It is the case of the petitioner that on the complaint
lodged by the petitioner, the respondent police registered a
case in Crime No.104 of 2018, on 03.03.2018 under Sections 294
(b), 324,506(ii) I.P.C. Not satisfied with the penal Sections
mentioned in the F.I.R, the de facto complainant has filed the
present petition with the above prayer.

4.Heard learned counsel for the petitioner and
Mrs.M.Prabhavathi, learned Additional Public Prosecutor for the
respondents. Today Mr.K.Bashu, Sub Inspector of Police is
present. In the connected case viz., Crl.O.P.No.19850 of 2018,
this Court directed the respondent police to complete the
investigation in Crime No.104 of 2018 within six months.

5. This Court does not have the power to direct the respondent Police to alter the FIR, since investigation is the exclusive preserve of the executive and the judiciary cannot interfere as held by the PRIVY COUNCIL in King Emperor Vs. Khwaja Nazir Ahmad [(1943-44) 71 IA 203], which judgment has been approved by a catena of judgments of the Supreme Court. Unlike the Code of Civil Procedure, where the pleadings can be amended, an F.I.R. cannot be amended under the Code of Criminal Procedure. However, during the Course of investigation, if the police gathered evidence about commission of serious offences, it is open to them to file an alteration report before the concerned Court.

Hence this petition is dismissed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1.The Sub-Inspector of Police,
Vandavasi South Police Station,
Thirunavannamalai District.

2.The Public Prosecutor,
High Court of Madras.

CRL.OP.No.19851 of 2018

GSP(10/09/2018)

सत्यमेव जयते

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