

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2018

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

Cr1.O.P. No.8218 of 2016

V.Raja

Petitioner

vs.

1. The Station House Officer
Mangalam Police Station
Puducherry.
 2. The Circle Inspector of Police
Villianoor Circle
Puducherry.
 3. The Superintendent of Police - West Region
(Erstwhile The Superintendent of Police - South Region)
Villianoor Police Station Campus
Villianoor, Puducherry.
- Respondents

Criminal Original Petition filed under Section 482, Cr.P.C. seeking for a direction to the 1st respondent herein viz., The Station House Officer, Mangalam Police Station, Puducherry and the 2nd respondent, The Circle Inspector of Police, Villianoor Circle, Puducherry to alter the FIR in Crime No.89 of 2015 on his file to alter the charge under Section 302 of IPC instead of 174 of Cr.P.C in the FIR.

For petitioner : Mr.T.Muthukrishnan

For respondents : Mr.Bharatha Chakravarthy
Government Advocate (Pondicherry)

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O R D E R

This Criminal Original Petition has been filed seeking a direction to the respondents 1 and 2 herein viz., the Station House Officer, Mangalam Police Station, Puducherry, the Circle Inspector of Police, Villianoor Circle, Puducherry to alter Section 302 of IPC instead of 174 of Cr.P.C in the FIR.

2. In respect of unnatural death of one Illakkiya, the

respondent police have registered a case in Crime No.89 of 2015 on 07.10.2015 under Section 174 Cr.P.C. While so, the petitioner, who is the father of Illakkiya has filed the present petition seeking a direction to the respondent police to alter the FIR from one Section 174 Cr.P.C to Section 302 of IPC.

3. Heard Mr.T.Muthukrishnan, learned counsel for the petitioner and Mr.Bharath Chakravarthy, learned Public Prosecutor (Puducherry).

4. In view of the law laid down by the Supreme Court in Shariff Ahmed and others vs. State (NCT of Delhi) [(2009) 14 SCC 184], this Court cannot issue a direction to the respondent police as to how they should conduct the investigation.

5. However, the learned Public Prosecutor (Puducherry) submitted that the investigation in Crime No.89 of 2015 has been completed and a closure report has been filed on 13.05.2016.

Recording the submission made by the learned Public Prosecutor (Puducherry), this petition is closed.

Sd/-
Assistant Registrar(CS II)

//True copy//

Sub Assistant Registrar

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To

- 1.The Station House Officer
Mangalam Police Station
Puducherry.
- 2.The Circle Inspector of Police
Villianoor Circle
Puducherry.
- 3.The Superintendent of Police – West Region
(Erstwhile The Superintendent of Police – South Region)
Villianoor Police Station Campus
Villianoor, Puducherry.
4. The Government Advocate (Cr1.Side)
High Court, Madras.(Pondy)

+1cc to Government Pleader(Pondy) SR.No.29331

Cr1.O.P. No.8218 of 2016

NM(CO)
GN(02/05/2018)