

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.10.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.23573 of 2018

T.Prakasam

.. Petitioner

Vs

State by:

The Inspector of Police,
Sendurai Police Station,
Sendurai,
Ariyalur Taluk & District.

.. Respondent

Criminal Original Petition filed under Section 482 Cr.P.C., praying to direct the respondent to alter the offences under Sections 341, 147, 148, 324 and 506 (ii) I.P.C. including in to Section 307 and 326 I.P.C r/w. Section 34 I.P.C in Crime No. 163 of 2018 on the file of the respondent.

For Petitioner : Mr.M.Saravanakumar

For Respondent : Mrs.M.Prabhavathi, APP

O R D E R

On the complaint lodged by the petitioner, the respondent police have registered a case in Crime No.163 of 2018 under Sections 341, 147, 148, 324 and 506(2) I.P.C. While so, the petitioner is before this Court for a direction to the police to alter the FIR and include Sections 307 and 326 IPC r/w. Section 34 IPC.

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

3. In the opinion of this Court, no such directions can be issued, especially, 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 judgment has been approved by a catena of judgments of the Supreme Court, where in, it has been stated that investigation is the exclusive domain of the Police. It is for the Investigating Officer to file the necessary alteration report, if in the course of investigation, evidence relating to commission of serious offence surface. This

Court cannot step into the shoes of the investigating officer and direct him to alter the FIR.

With the above observation, this petition is closed.

Sd/-

Assistant Registrar(CS ix)

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Sub Assistant Registrar

dua/gya

To

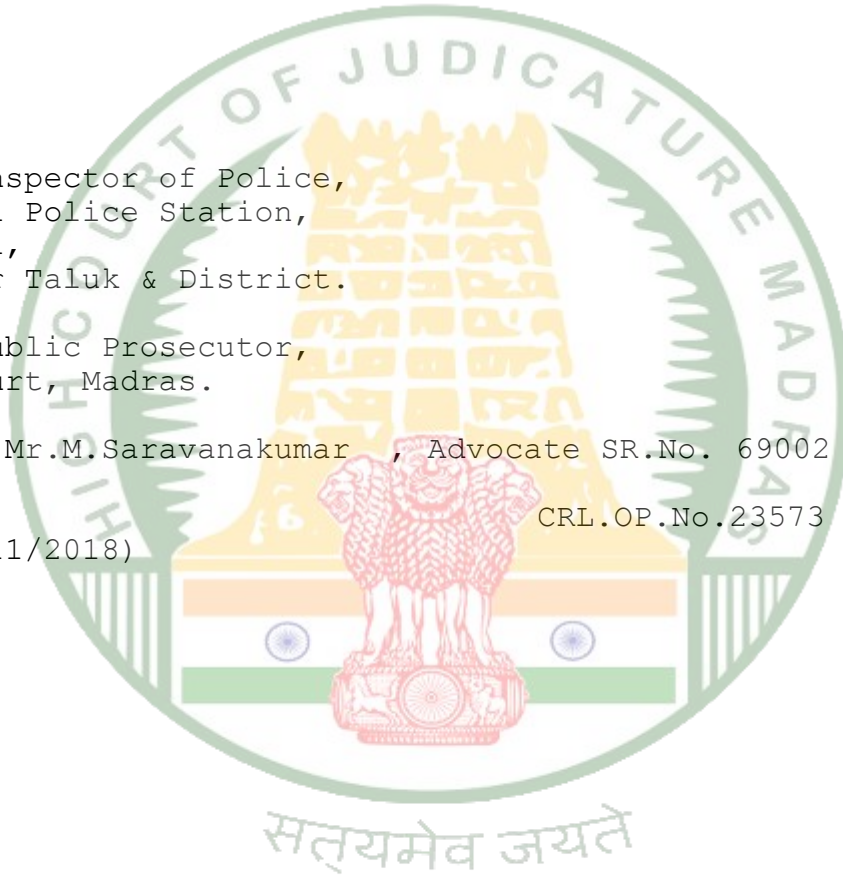
1.The Inspector of Police,
Sendurai Police Station,
Sendurai,
Ariyalur Taluk & District.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Saravanakumar , Advocate SR.No. 69002

ASK(19/11/2018)

CRL.OP.No.23573 of 2018



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