

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P. No.26795 of 2018

Raja

..Petitioner

vs.

1. State Rep. By
Inspector of Police (L&O)
Pallikonda Police Station,
Vellore. (Cr.No.132/2017)

2. The Superintendent of Police,
Vellore District, Vellore. ...Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to issue a direction directing the 1st respondent to investigate the matter properly in Cr.No.132 of 2017 by implicating Section 302 of IPC.

For Petitioner : Mr.S.Michael

For Respondent : Mr.C.Raghavan,
Govt. Advocate (Crl. Side)

ORDER

The Criminal Original Petition has been filed seeking for a direction to direct the respondent Police to investigate the matter pending the case in Crime No.132 of 2017 and to add the offence of Section 302 of IPC and alter the FIR.

2.The learned counsel for the petitioner would submit that an FIR has been registered by the respondent Police for the offence under Sections 279 and 337 of IPC. Thereafter, the same was altered to Sections 279 and 304 (A) of IPC. According to the learned counsel for the petitioner, it was a case of murder which has been converted as if an accident occurred on the fateful day. The learned counsel for the petitioner also brought to the notice of this Court the Postmortem Certificate that was issued by the Doctor and submitted that the nature of the injuries that have been mentioned as antemortem injuries

clearly shows that there was a murder and therefore, the respondent Police ought to have altered the FIR for the offence under Section 302 IPC.

3.The learned Government Advocate would submit that the FIR was registered in this case on 16.06.2017, for the offences under Sections 279, 337 of IPC. In the course of investigation, the respondent Police found that the offence under Section 304 (A) has also been committed in this regard and the offence was altered to under Sections 279 and 304 (A) of IPC. The learned Government Advocate would further submit that the investigation is pending and if in the course of investigation, the respondent Police finds any material for the offence of murder, the same will also be investigated and necessary alteration will be made at the time of filing of the final report.

4.Taking into consideration the facts and circumstances of the case and also the submissions made by the learned Government Advocate, this Court directs the first respondent to continue with the investigation effectively and if in the course of investigation, any material is collected by the respondent Police suggesting the commission of murder, it is left open to the respondent Police to alter the FIR or alter the offence at the time of filing of the Final Report. At this stage, this Court cannot give any positive direction, since the investigation is exclusively within the domain of the respondent Police.

5.This Criminal Original Petition is disposed of with the above directions.

Sd/-
Assistant Registrar(CS IX)

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सत्यमेव जयते Sub Assistant Registrar

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To

1. The Inspector of Police (L&O)
Pallikonda Police Station,
Vellore. (Cr.No.132/2017)

2. The Superintendent of Police,
Vellore District,
Vellore.

3. The Public Prosecutor,
Madras High Court,
Chennai.

CrI.O.P.No.26795 of 2018

MP (CO)
CS/07/12/2018



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