

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.30005 of 2018

S.Loganathan

... Petitioner

Vs.

1.The Commissioner of Police,
Vepery,
Chennai - 600 007.

2.The Inspector of Police,
M-4, Redhills Police Station,
Law and Order,
Chennai - 600 052.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the second respondent to alter the charges of case in Cr.No.655 of 2018.

For Petitioner :M/s.H.Sunitha

For Respondents :Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking for a direction to the second respondent police to alter the F.I.R and add the offence under Section 307 IPC.

2. The petitioner is the de facto complainant and he gave a complaint to the respondent police stating that his son, was attacked by the accused persons with dangerous weapons and he sustained grievous injury. Therefore, the respondent police registered an F.I.R. in Crime No.655 of 2018 for an offence under Sections 294(b), 324 and 506(ii) IPC. According to the learned counsel for the petitioner, the petitioner's son sustained grievous injuries and he was attacked with an intention to murder him and therefore, the police will have to add the offence under Section 307 IPC in the F.I.R.

2.The learned Additional Public Prosecutor would submit that the case is under investigation and if there are sufficient materials collected in the course of investigation, the respondent police will always alter the F.I.R. or will alter the offence at the time of filing the final report, after completion of the investigation.

3. This Criminal Original Petition is disposed of with a direction to the respondent police to continue with the investigation effectively and collect sufficient materials and consider the alteration of the F.I.R. or alteration of the offence at the time of filing the final report, if the offence is made out.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

lpp/vsa

To

1. The Commissioner of Police,
Vepery,
Chennai - 600 007.
2. The Inspector of Police,
M-4, Redhills Police Station,
Law and Order,
Chennai - 600 052.
3. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.30005 of 2018

SSM(11/01/2019)