



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 14.03.2018

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THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

W.P.(MD) No.5188 of 2018

Mahendran

... Petitioner

-Vs-

1. The Director General of Police,
Chennai.
2. The Inspector General of Police,
South Zone, Madurai.
3. The Superintendant of Police,
Ramanathapuram District,
Ramanathapuram.
4. The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram District.
5. The Sub Inspector of Police,
Kenikarai Police Station,
Ramanathapuram District.
6. Senthil Kumar
Inspector of Police,
Kenikarai Police Station,
Ramanathapuram District.
7. Balakrishnan
Sub Inspector of Police,
Kenikarai Police Station,
Ramanathapuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 3 herein to take suitable action against the 6th and 7th respondents in accordance with law and by considering petitioner representation dated 30.01.2018 within the time stipulated by this Court.

**ORDER**

This petition has been filed to direct the respondents 1 to 3, to take suitable action against the respondents 6 and 7 in accordance with law by considering the petitioner's representation dated 30.01.2018.

2.The learned counsel appearing for the petitioner submitted that on 27.01.2018, one Manikandan, his wife and his brother attacked the petitioner with deadly weapons i.e., iron rod and wooden log. Resulting in grievance injuries all over the body and hence, the petitioner was admitted in the Government Hospital, Ramnad and when he was under treatment, the fourth respondent police came to the hospital and obtained signature from the petitioner in a blank paper and they have fabricated the complaint, as if, the petitioner has given the same and registered a case in Crime No.20 of 2018 under Sections 294 and 323 IPC. He further submitted that the petitioner was attacked with iron rod and the same was recorded in the accident register itself and the petitioner has sustained grievous injury at his head and as such the case should have been registered under Section 307 IPC. But, the respondents 6 and 7 with a view to help the accused persons, have registered the case purposely under Sections 294(b) and 323 IPC. Hence, the petitioner has submitted the representation to the respondents 1 to 3 on 30.01.2018, but, so far no action has been taken.

3.The learned Government Advocate (Criminal Side) has submitted that after receipt of the complaint, a case was registered under Sections 234 (b) and 323 IPC. After getting wound certificate charge sheet was filed under Section 294(b), 323, 325 IPC against one Jeyaraman. He further submitted that as per the complaint, the petitioner was assaulted by the said Jeyaraman by a reaper wood and therefore the charge sheet has been filed under the proper provision of law.

4.The petitioner himself stated in para -11 of the affidavit that inspite of the representation given by the petitioner dated 30.01.2018, Sections have not been altered in to under Sections 147, 148, 323, 326 and 506(ii) IPC. Therefore, now, it is not open to the petitioner now to contend that the case should have been registered under Section 307 IPC. In the FIR, it is stated that only one person has assaulted the petitioner and that being so, Sections 147 and 148 would not attract. In so far as Section 326 IPC is concerned, at the time of framing charge it is open to the petitioner to bring this fact to the knowledge of the Trial Court to consider his request that the charge has to be framed under Section 326 IPC. If any such request is made then, it is open to the trial Court to verify the relevant records which are filed along with the charge sheet and frame the charges under the proper



provisions of law.

5. With the aforesaid observations, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(RTI)

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/True Copy/

Sub Assistant Registrar

To

1. The Director General of Police,
Chennai.
2. The Inspector General of Police,
South Zone, Madurai.
3. The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.
4. The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram District.
5. The Sub Inspector of Police,
Kenikarai Police Station,
Ramanathapuram District.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 cc TO Mr.N.Saravanan , Advocate in SR No. 55310
+ 1 cc TO The Special Government Pleader in SR No. 55621

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AE/KK/SAR4/09.04.2018/3P/9C

W.P. (MD) No.5188 of 2018
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