



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.01.2018

CORAM

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THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

Crl.O.P.(MD) No.17951 of 2017

Dhanalakshmi

... Petitioner

-Vs-

1. The Superintendent of Police,
Tirunelveli,
Tirunelveli District.
2. The State Rep.by
The Sub Inspector of Police,
Sankarankovil Taluk Police Station,
Sankarankovil,
Tirunelveli District.

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the second respondent to alter the FIR in Crime No.240 of 2017 under Section 326 of IPC, instead of 323 of IPC the case based on the representation given by the petitioner herein dated 27.11.2017.

For Petitioner : Mr.S.Lingarasu

For Respondents : Mr.K.Anbarasan,
Government Advocate(Crl.side).

O R D E R

This petition has been filed by the defacto complainant to direct the second respondent to alter the case in Cr.No.240 of 2017, from under Section 323 IPC to under Section 326 IPC.

2.The learned counsel for the petitioner submitted that the accused has caused grievous injury to the petitioner by using brick, but the second respondent has purposely registered the case under Sections 294(b) and 323 of IPC., with a view to help the accused.

<https://hcservices.ecourts.gov.in/hcservices/>
3.The learned Government Advocate (Crl.side) submitted that in the complaint given by the petitioner, it was stated that the



accused has assaulted the petitioner with hands and based on the said averment the case was registered under Sections 294(b) and 323 of IPC, but there is no allegation in the complaint that the petitioner was assaulted with brick and hence there is no necessity to alter the Section.

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4.If the investigation reveals that the petitioner has sustained grievous injury, the second respondent shall file a final report under the proper Sections.

5.With the above observation, this criminal original petition is closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Tirunelveli,
Tirunelveli District.
2. The Sub Inspector of Police,
Sankarankovil Taluk Police Station,
Sankarankovil, Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.S.Lingarasu, Advocate Sr.No.40066

RMK

VB/KKR/SAR2/23/01/2018/2P/5C

Cr1.O.P.(MD) No. 17951 of 2017

03.01.2018