

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 09.08.2018****CORAM**

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**Crl.O.P.(MD)No.11974 of 2018**

Ilayaraja

... Petitioner

Vs.

1. The Commissioner of Police,
Office of the Commissioner of Police,
Trichy City.

2. The Inspector of Police,
Gandhi Market Police Station,
Trichy District.

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondent No.2 to include Section 326, 307 of Indian Penal Code in Crime No.307 of 2018 on the file of the respondent No.2 and take necessary action in accordance with law.

For Petitioner	: Mr.R.Alagumani
For Respondents	: Mr.K.Suyambulinga Bharathi Government Advocate(Crl. Side)

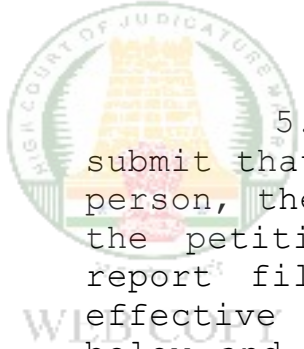
ORDER

This Criminal Original Petition has been filed to direct the second respondent to include certain provisions of I.P.C in the F.I.R that was pending in Crime No.307 of 2018.

2.Heard learned counsel appearing for the petitioner and learned Government Advocate(Crl. Side) for the respondents.

3.The learned Government Advocate (Criminal Side) submitted that after investigation, the case has been referred as mistake of fact and a final report has also been filed to that effect before the Judicial Magistrate V, Trichy (West). It is also submitted that a notice has been served to the petitioner in this regard.

4.The learned counsel for the petitioner would submit that there are sufficient materials in this case to prove the crime that has been committed by the accused person.



5.The learned counsel for the petitioner would further submit that in the counter complaint that was filed by the accused person, the F.I.R was registered in Crime No.305 of 2018. Now that the petitioner has been put on notice, recording the closure report filed by the respondent police, the petitioner has an effective remedy of filing a protest petition before the Court below and can ventilate his grievance by putting forth the facts and the material in support of the same.

6.This Criminal Original Petition is disposed of by giving liberty to the petitioner to file a protest petition before the Judicial Magistrate No.V, Trichy(West) and proceed further in accordance with law.

Sd/-
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1. The Commissioner of Police,
Office of the Commissioner of Police,
Trichy City.
2. The Inspector of Police,
Gandhi Market Police Station,
Trichy District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.R.Alagumani, Advocate Sr.No.78014

LS
VB/KAK/SAR1/31.08.2018/2P/5C

CrI.O.P.(MD)No.11974 of 2018
09.08.2018