



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 03.09.2018
CORAM:
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD).No.15624 of 2018

WEB COPY

K.Chandrakumar

...Petitioner

Vs.

The Sub Inspector of Police
South Gate Police Station
Madurai

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to direct the respondent police to include the Sections 326 and 307 I.P.C in Crime No.328 of 2018 on the file of the respondent police.

For Petitioner :Ms.B.Asha

For Respondent :Mr.K.Suyambulinga Bharathai
Government Advocate (Crl.Side)

ORDER

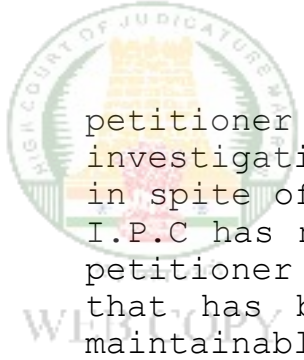
This Criminal Original Petition has been filed seeking for a direction to the respondent police to include the Sections 326 and 307 I.P.C in Crime No.328 of 2018 on the file of the respondent police.

2.The learned Government Advocate (Crl.Side) appearing for the respondent police submits that the respondent police have registered the First Information Report in Crime No.328 of 2018 for the alleged offences under Sections 147, 294(b), 341, 323, 324 and 506(ii) I.P.C.

3.The learned counsel appearing for the petitioner would submit that on reading of the F.I.R would reveal that Sections 326 and 307 I.P.C has been made out.

4.The learned Government Advocate (Crl.Side) would submit that the police is investigating the case and ultimately if the said offences have been made out, the same will find part in the final report. During the course of investigation, the petitioner cannot seek for an alteration of the First Information Report.

5.This Court finds force in the arguments of the learned Government Advocate (Crl.Side) appearing for the respondent. When the investigation is pending, this Court cannot direct the respondent police to include the said offences and the same would amount to interfering with the investigation. Therefore, the



petitioner has to necessarily wait for completion of the investigation. After the final report, if the petitioner finds that in spite of the offences being made out, the appropriate sections in I.P.C has not been included in the final report, at that stage, the petitioner is always entitled to question the same. The petition that has been filed at this stage of the investigation, is not maintainable.

6. Accordingly, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-III)

To

1. The Sub Inspector of Police
South Gate Police Station
Madurai

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC to Ms.B.Asha, Advocate, SR.No.82305

Cr1.O.P. (MD) .No.15624 of 2018
03.09.2018

MSA

ES/PM/SAR 3/04.10.2018/2P/4C