



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.10.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.[MD].No.16468 of 2018
and
Crl.M.P(MD) No.7298 of 2018

S.Saravana Ganesh

.... Petitioner

Vs.

1. The Inspector of Police
Sivakasi Town Police Station
Virudhunagar District

2. A.Karthikeyan

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to FIR in Crime No.79 of 2018 on the file of the first respondent dated 26.01.2018 and quash the same.

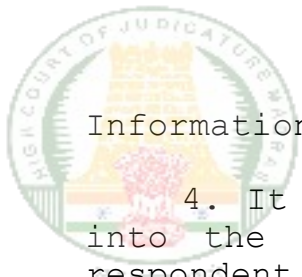
For Petitioner	: Mr.A.Chandrakumar
For Respondents	: Mrs.S.Bharathi
No.1	Government Advocate(Crl.Side)
No.2	: Mr.N.Dilip Kumar

ORDER

The Criminal Original petition has been filed seeking to quash the First Information Report registered by the respondent police.

2. The learned counsel for the petitioner would submit that the First Information Report was registered on 26.01.2018 in Crime No. 79 of 2018 under Section 174 of Cr.P.C. The very next day on 27.01.2018, the respondent police have altered the First Information Report into Section 306 of IPC. He would further submit that the respondent police altered the First Information Report without there being any materials and a plain reading of the allegations made in the First Information Report do not constitute the offences under Section 306 of IPC.

3. The learned Government Advocate (Crl.Side) would submit that the respondent police have obtained statements from the neighbours and have come to the conclusion that the petitioner is responsible for the suicide committed by his wife and as such the First



Information Report was altered to one under Section 306 IPC.

4. It is seen from records that this court does not want to go into the merits of the allegations made at this stage. The respondent police will have to investigate the case and ultimately find out, whether the petitioner was responsible for the suicide that was committed by his wife. Only at the time of filing final report, there would be an opportunity to know the materials that are relied upon by the prosecution in order to support the alteration of FIR into one under section 306 IPC.

5. Hence the Criminal Original Petition is dismissed and it is open to the petitioner, to question the final report, if so advised, at later point of time. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1. The Inspector of Police
Sivakasi Town Police Station
Virudhunagar District
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.A.CHANDRA KUMAR, ADVOCATE IN SR No. 88034
+ 1 CC TO Mr.N.DILIP KUMAR, ADVOCATE IN SR No. 88568

AAV

TE/PM/SAR-1 : 08/11/2018 : 2P/5C

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