



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.10.2018

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P. (MD) No.18206 of 2018

G.Thangavel .. Petitioner/Defacto Complainant
-Vs-

State through

1.The Superintendent of Police,
Virudhunagar District, Virudhunagar.

2.The Inspector of Police,
Thalavaipuram Police Station,
Virudhunagar District.
In Crime No.340 of 2018. .. Respondents/Complainant

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the 2nd respondent to make proper enquiry for disclosing the original facts and consequently to alter the FIR on the charges under the offences U/s. 326, 307 of IPC and Section 3 of the Tamil Nadu Public Property Prevention of Damage and loss Act, 1992 on the basis of the complaint dated 27.09.2018 in Crime No.340 of 2018 on its file.

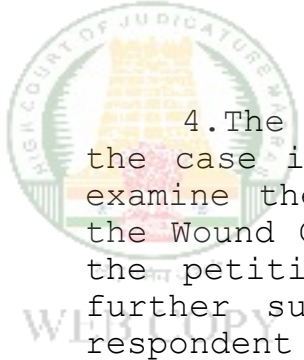
For Petitioner : Mr.A.S.Amirtharaj
For Respondent : Mr.M.Chandra Sekaran
Additional Public Prosecutor

ORDER

This Criminal original Petition has been filed seeking to alter the F.I.R in Crime No.340 of 2018.

2.The respondent police have filed the F.I.R for the alleged offences under Sections 147, 148, 294(b), 323, 324, 427 and 506(ii) of IPC. According to the petitioner, the respondent police did not add Sections 326 and 307 of IPC in the FIR.

3.The learned counsel for the petitioner would submit that the petitioner had sustained serious injuries, since he was attacked with aruval by A1, in this case and it necessitated 13 stitches on his head. Therefore, the learned counsel would submit that the respondent police ought to have added Sections 326 and 307 of IPC in the FIR. The learned counsel for the petitioner would further submit that the vehicles were also damaged by the accused persons and therefore, Section 3 of the TNPPDL Act is also be added in the



4.The learned Additional Public Prosecutor would submit that the case is still under investigation and the police will have to examine the witnesses and ultimately, the police will have to see the Wound Certificate that is given by the concerned hospital where the petitioner had taken treatment. The learned counsel would further submit that during the course of investigation, if the respondent police find that ingredients of the Section 326 and 307 of IPC and Section 3 of the TNPPDL Act are made out, these provisions will also be added at the time of filing of the final report.

5.In view of the above, the respondent police is directed to continue with the investigation effectively and file a final report as expeditiously as possible.

6.This Criminal Original Petition is disposed of with the above direction.

Sd/
Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar(CS-I)

To

- 1.The Superintendent of Police,
Virudhunagar District, Virudhunagar.
- 2.The Inspector of Police,
Thalavaipuram Police Station,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.L.PRABHU, Advocate, SR.No.89947

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11.10.2018

TM
KK/RP/SAR-1/22.11.2018/2P-5C