

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.14434 of 2016

K.Ayyakannu @ Sugam,

... Petitioner

Vs.

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

2.The Inspector of Police,
Mangalam Police Station,
Tiruvannamalai District.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to grant a general direction directing the second respondent to alter the F.I.R., in Crime No.244 of 2018 thereby include the proposed accused 1.Mannan, S/o.Pachaiyappan 2.Pachaiyappan, S/o.Mannan 3.Kannan, S/o.Mannan and include made out offence under Section 324, 326, 351 and 506(ii) based on the 164 statement given by the petitioner dated 11.02.2016.

For Petitioner : Mr.I.Rajendran

For Respondents: Mr.M.Mohamed Riyaz
Additional Public Prosecutor.

O R D E R

This petition has been filed seeking direction to include the proposed accused names and alter the F.I.R. In Crime No.244 of 2018, based on the 164 statement given by the petitioner on 11.02.2016.

2.It is seen that due to previous enmity, the proposed accused persons viz., Mannan, Pachaiyappan and Kannan tried to commit murder the petitioner while he was driving in a two wheeler, in which the petitioner met with an accident and sustained serious injuries. Hence, the petitioner lodged a complaint before the respondent police and a case was registered

in Crime No.224 of 2015 for the offences under Section 341, 294 (b) and 307 IPC. Though 164 statements were recorded, the respondent police have not altered the F.I.R., and not included the names of the above said persons. Hence, the petitioner has filed the present petition with the aforesaid petition.

3.The learned Additional Public Prosecutor submitted that the case in Crime No.224 of 2015 is pending for committal before the learned Judicial Magistrate No.II, Tiruvannamalai. He further submitted that a non-bailable warrant is pending as against A1 in this case.

4.Heard both sides.

5.Considering the facts and circumstances of the case, at this stage, the prayer sought for by the petitioner cannot be granted. However, the petitioner is at liberty to approach the trial Court to invoke provision under Section 319 Cr.P.C. if any incriminating evidence found as against other parties, if so advised.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

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

2.The Inspector of Police,
Mangalam Police Station,
Tiruvannamalai District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.L.Rajendran, Advocate Sr.24642

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srg 23/05/2019