

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2019

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.2811 of 2019

S.Nathiya

... Petitioner

Vs.

State represented by
Inspector of Police,
AWPS-Gobi
Erode District,
in crime No.3/2019

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to alter the penal provision of Section 493 of IPC in the information report registered in Crime No.3 of 2019, pending on the file of respondent and consequently direct the respondent to secure the accused.

For Petitioner : Mr.Gomathi Nayagam
Senior Counsel
for Mr.G.Peranban

For R1 to R3 : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor.

O R D E R

This petition has been filed seeking to alter the FIR and add the offence under Section 493 of IPC.

2.Mr.Gomathinayagam, learned Senior Counsel appearing for the petitioner submitted that the allegations that have been made in the complaint clearly makes out a case for an offence under Section 493 of IPC. However, the respondent Police have proceeded to register the FIR only for offence under Sections 417 and 506(i) of IPC. Therefore, the present petition has been filed seeking for alternation of the FIR by adding the appropriate offence.

3.The learned Additional Public Prosecutor submitted that the case is under investigation and based on the materials collected in the course of investigation, the respondent Police

will take an appropriate decision with regard to the alteration of the FIR.

4.In the facts and circumstances of the case, the respondent Police shall proceed further with the investigation and if based on the materials collected during the course of investigation, a case is be made out for an offence under Section 493 of IPC, the same may be added by altering the FIR or at the time of filing the final report.

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

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

kal/vsn
To

1.The Inspector of Police,
AWPS-Gobi,
Erode District,
(crime No.3/2019)

2.The Public Prosecutor,
High Court of Madras,
Chennai.

+1 CC to Mr.G.Peranban, Advocate sr 8721.

Cr1.O.P.No.2811 of 2019

SP(18/02/2019)

सत्यमेव जयते

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