

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.03.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No. 7057 of 2019

V.Gopalrathinam

.. Petitioner

Vs

State by

1.The Superintendent of Police,
District Superintendent Office,
Salem District.

2.The Inspector of Police,
Gengavalli Police Station,
Gengavalli Taluk,
Salem District.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondents to alter the offences under sections 294(b), 323, 324 and 506 (ii) of IPC by include the section 307 of the Indian Penal Code offences in so far, relates to the Crime No.272 of 2018 on the file 2nd respondent.

For Petitioner : M/s.R.Hemalatha

For Respondents : Mr.C.Raghavan

Government Advocate(CrI.Side)

O R D E R

This Criminal Original Petition has been filed seeking for a direction to the respondents to alter the offences under Section 294(b), 323, 324 and 506(ii) of IPC by include the Section 307 of the Indian Penal Code offences in so far, relates to the Crime No.272 of 2018 on the file the second respondent police.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (CrI.Side) for the respondents.

3. It is seen that the accused attacked the petitioner with Aruva and caused grievous injuries. Thereafter, the FIR has been registered in Crime No.272 of 2018 for the offence under Sections 294(b), 323, 324 and 506 (ii) of IPC as against the accused, but not registered the FIR under Section 307 of IPC. Hence, the petitioner made a representation to the respondent for altering the FIR by inserting the Section 307 of IPC as against the accused.

4. Considering the facts and circumstances of the case, the petitioner is directed to produce all the relevant documents including medical report before the second respondent. On receipt of the records from the petitioner, the second respondent is directed to go through the documents and if any cognizance has been made out, the second respondent is directed to consider the same and alter the FIR on merits and in accordance with law.

5. With the above directions, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

mpa/lpp
To

1.The Superintendent of Police,
District Superintendent Office,
Salem District.

2.The Inspector of Police,
Gengavalli Police Station,
Gengavalli Taluk,
Salem District.

3.The Public Prosecutor
High Court, Madras.

+1cc to M/s.R.Hemalatha , Advocate SR.No. 24878

Cr1.O.P.No. 7057 of 2019

SSV (CO)
A.SK(23/04/2019)