

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2020

CORAM

THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

CRL.O.P.No.3195 of 2020

S.Ramasubramanian

...Petitioner/Defacto Complainant

Vs.

The Inspector of Police
R3 Ashok Nagar Police Station
Chennai.
Cr.No.23/2020

.... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent police to alter the offence under Sections 323, 342, 324, 294(b), 506 (ii) IPC in crime No.23 of 2020 dated 26.01.2020 and to add the Section 365 IPC for pending investigation in the above crime No.23 of 2020 dated 26.01.2020 in accordance with law.

For Petitioner : Mr.K.Pragadeesh Kumar

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

ORDER

This petition has been filed by the defacto complainant to direct the respondent police to alter the provision of law in Cr.No.23 of 2020 and to add the Section 365 IPC.

2. The learned counsel for the petitioner has submitted that eventhough the averments made in the the complaint would attract the provision of Section 365 IPC, the respondent police has purposely omitted to register the First Information Report under the said provision of law and on the contrary, they have registered the case under Sections 323, 342, 324, 294(b) and 506 (ii) IPC only and therefore, he prayed to direct the respondent police to include the Section 365 IPC in the First Information Report.

3. Mr.B.Ganeshmoorthy, learned Advocate has submitted that he has been instructed by the accused to file intervener

application. Since the matter is at the investigation stage and this petition has been filed by the defacto complainant to direct the respondent police to include some more provisions of law in the First Information Report, at this stage, the accused is not entitled to intervene in the case. Hence, his request is rejected.

4. The learned Additional Public Prosecutor has submitted that the respondent may be directed to conduct the investigation in a fair manner and if the investigation reveals the commission of offence under Section 365 IPC also, he should include the said provision of law in the First Information Report.

5. Considering the aforesaid submissions, the respondent is directed to investigate the matter properly and fairly without any bias and if the investigation reveals that the provision of Section 365 IPC also will get attracted then he has to either file alteration report by including the said provision or file charge sheet by including the said provision.

6. With the above direction, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

dna

To

1.The Inspector of Police
R3 Ashok Nagar Police Station
Chennai.
Cr.No.23/2020.

2.The Public Prosecutor,
High Court, Madras.
+1cc to M/s.K.Pragadeesh Kumar, Advocate, Sr.No.15297

CRL.O.P.No.3195 of 2020

RSI (CO)
GS (30/05/2020)