

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.02.2020
CORAM

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM

Crl.OP.No.3513 of 2020
and
Crl.MP.No.2046 of 2020

R.Pushparaj

... Petitioner

Vs.

1. Station House Officer,
The Inspector of Police,
Porto Novo Police Station,
Cuddalore.

2. K.Bhuviyarasan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C, to call for the records in Cr.No.160 of 2019 on the file of Porto Novo Police Station, Cuddalore and quash the same.

For Petitioner : Mr.R.Sreedhar

For Respondents : Mr.C.Raghavan

Government Advocate (Crl.Side)
for R1

ORDER

This petition has been filed by the accused to quash the FIR in Crime No.160 of 2019 on the file of the first respondent.

2. The learned counsel for the petitioner has submitted that due to the death of one Sathya, an FIR was registered under Section 174 of Cr.P.C on 03.11.2019 in Crime No.160 of 2019. He further submitted that subsequently the FIR has been altered into Section 306 of IPC. He further submitted that in the FIR, nothing has been stated against the petitioner herein and therefore, the same has to be quashed.

3. Per contra, the learned Government Advocate (Crl.Side) has submitted that since no specific allegations made in the complaint against the petitioner, the FIR was registered only under Section 174 Cr.P.C and the matter was taken up for investigation. Since the preliminary investigation shows that the petitioner has abetted the deceased to commit suicide, an alteration report has been sent to the court by altering the section into under Section 306 of IPC. He further submitted that to allow the first respondent to complete the

investigation and hence, he prayed to dismiss the petition.

4. Admittedly, originally the FIR was registered under Section 174 of Cr.P.C and only subsequently, the case was altered into under Section 306 of IPC. Under the said circumstances, the petitioner cannot seek to quash the FIR based on the allegations made in the FIR alone. This Court is of the view that the first respondent should be allowed to complete the investigation and then only it can be found whether actually the petitioner has committed any offence under Section 306 of IPC or not.

5. For the aforesaid reasons, this Criminal Original Petition is dismissed. The first respondent is directed to expedite the investigation and file final report within three (3) months from the date of receipt of a copy of this order. If any charge sheet is filed against the petitioner, it is open to the petitioner to challenge the same. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

Vv

To

1. The Station House Officer,
The Inspector of Police,
Porto Novo Police Station,
Cuddalore.

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

Cr1.O.P.No.3513 of 2020

and

Cr1.MP.No.2046 of 2020

A.SK(26/02/2020)