

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:20.08.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.12621 of 2020

D.Arasakumar (M/47)

S/o.Damodharan,

No.16B, Leith Castle Street, Santhome,
Chennai-600 028.

...Petitioner

Vs

State represented by

The Inspector of Police,

E5-Foreshore Estate Police Station, Chennai.

Crime No.623 of 2020

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the respondent police to alter the offences the FIR in Crime No.623 of 2020 from 294(b), 324 & 506 (ii) IPC by adding the offences under section 307 and 326 IPC against all the accused persons named in the FIR in Crime No.623 of 2020.

For Petitioner : Mr.S.Sathish Rajan

For R1 & R2 : Mr.S.Karthikeyan

Additional Public Prosecutor.

O R D E R

This Petition has been filed seeking for direction directing the respondent to alter the offence in Crime No.623 of 2020.

2.The learned counsel for the petitioner would submit that on the complaint lodged by the petitioner as against the accused persons a case was registered in Crime No.623 of 2020 for offences under section 294(b), 323, 506(ii) IPC without adding the offence under section 307 and 326 IPC . The petitioner sustained grievous injury on his eyes and its very serious in nature. Even then, the respondent failed to register the case under section 307 IPC. Therefore, he sought for alteration of FIR for including offence under section 307 and 326 IPC.

3.The learned Additional Public Prosecutor submitted that for the very same occurrence the counter party also lodged the complaint and the same was registered in Crime No.627 of 2020

for the offences under sections 294(b), 329 and 506(i) IPC as against the petitioner and others. Investigation are pending in both the crimes namely 623/2020 and 627/2020 on the file of the respondent police.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

5. It is seen that the occurrence took place on 22.07.2020 and there was two complaints by the petitioner as well as the counter party. Both the complaints are registered in Crime No. 627 of 2020 for the offences under sections 294(b), 329 and 506 (i) IPC and another Crime No. 623 of 2020 for offences under section 294(b), 323, 506(ii) IPC. Therefore, there are two complaints for the very same occurrence and as such the respondent is directed to follow the procedure laid down in Police Standing Order 588(A) and complete the investigation and file a final report within a period of twelve weeks from the date of receipt of a copy of this order. On investigating the crimes, if any material is found to attract the offence under section 326 and 307 IPC, accordingly the respondent is directed to alter the offence and file a final report.

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

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police,
E5-Foreshore Estate Police Station, Chennai.
2. The Public Prosecutor, High Court, Madras.

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BP(CO)
RV(02/11/2020)