

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.08.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.12239 of 2020

Surya
S/o Thiruppathi
Echankadu Village
Achamangalam Post
Bargur Taluk
Krishnagiri District. Petitioner

Vs.

State Rep by its
1.The Superintendent of Police
Krishnagiri
Krishnagiri District.

2.The Inspector of Police
Kandhikuppam Police Station
Krishnagiri District.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the respondents to alter the Section 341, 294(b), 323, 324 and 506(ii) of IPC into 307 of IPC and alter the FIR in Crime No.364 of 2020 on the file of the 2nd respondent.

For Petitioner : Mr.K.Thiruvengadam
For Respondents: Mr.S.Karthikeyan
Additional Public Prosecutor.

सत्यमेव जयते
O R D E R

To direct the respondents to alter the Section 341, 294(b), 323, 324 and 506(ii) of IPC into 307 of IPC and alter the FIR in Crime No.364 of 2020 on the file of the 2nd respondent, the petitioner is before this Court, with this prayer.

2.The learned counsel for the petitioner would submit that on 10.06.2020, the accused persons waylaid the petitioner's father and attacked him indiscriminately by using stone and iron rod. Therefore, his father sustained grievous injury on his throat, neck and head. Due to this attack, petitioner's father could not be able to eat and speak, since his throat got ruptured by the accused persons. Even then on the complaint

lodged by the petitioner, the 2nd respondent registered a case in Crime No.364 of 2020 for the offences punishable under Sections 341, 294(b), 323, 324 and 506(ii) of IPC. There is an ample materials available to attract the offence under Section 307 IPC. The 2nd respondent failed to register the case for the offence under Section 307 IPC as against the accused persons.

3.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

4.Considering the above facts and circumstances of the case and also on perusal of records, it shows that the petitioner's father sustained grievous injuries on his throat, neck and head, due to which he lost his speech. Therefore, to attract offence, there is material available to register the case under Section 307 IPC. Therefore, the 2nd respondent is directed to alter the offence under Section 307 and 320 of IPC along with other offences and investigate the case. Further the 2nd respondent is directed to complete the investigation and file final report within a period of 12 weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

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To

1.The Superintendent of Police
Krishnagiri
Krishnagiri District.

2.The Inspector of Police
Kandhikuppam Police Station
Krishnagiri District.

3.The Public Prosecutor
High Court of Madras.

AJS (CO)
GN(07/10/2020)

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