

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No. 14615 of 2020

N. Rajasekar (M/35 years)
S/o. Nadarajan,
No:118, Marimangalam Village,
Sivanathapuram Post,
Voosur Post (Via) Anaicut Taluk,
Vellore - 632 105. Petitioner

Vs

1. The Inspector of Police,
Veppankuppam Police Station,
Vellore District.
2. Deputy Superintendent of Police,
Vellore District.
3. Superintendent of Police,
Vellore District.Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to direct the first respondent police to alter the offences under Section 307, 342 and 506(ii) in Crime No.660 of 2020 on the file of the respondent police.

For Petitioner : Mr.U.Chandramouli

For Respondents: Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

This petition has been filed seeking for direction directing the first respondent police to alter the offences under Section 307, 342 and 506(ii) in Crime No.660 of 2020 on the file of the respondent police.

2.The learned counsel for the petitioner would submit that the petitioner is an Indian Army Sipoy. He got married with one Hemalatha and gave birth to a child. While being so, there is a

strained relationship between them. Therefore, his wife left the matrimonial home, and as such, the petitioner was constrained to file a petition for divorce in FMOP.No.181 of 2019 and it is pending on the file of the Family Court, Vellore.

3. While pending the divorce petition, the petitioner went to his father-in-law's house to see his son aged about 7 years old, the petitioner was brutally attacked by the entire family members of his wife. Therefore, he sustained grievous injuries on all over his body and he also produced photographs before this Court. Even then, the first respondent registered the FIR only for the offence under sections 147, 294(b), 323, 324 and 506(i) IPC. He has further submitted that the father-in-law's family members are politically very influential persons and as such, first respondent did not register any case for the offence under section 307 IPC.

4.The learned Additional Public Prosecutor submitted that on the complaint lodged by the petitioner, the first respondent registered the FIR in Crime No.600 of 2020, for the offences under sections 147, 294(b), 323, 324 and 506(i) IPC . He has further submitted that on perusal of the photographs and also the injuries sustained by the petitioner, the major offences would also attract as against the accused persons.

5.Considering the above submission made by the petitioner as well as the Additional Public Prosecutor, and on perusal of the photographs and complaint lodged by the petitioner, there is material to attract the offence under section 307 IPC as against the accused persons. Therefore, the first respondent is directed to conduct investigation on the strength of the allegations made in the complaint as well as injuries sustained by the petitioner and to alter the offence under section 307 IPC and other offences 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.

6. In view of the above this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

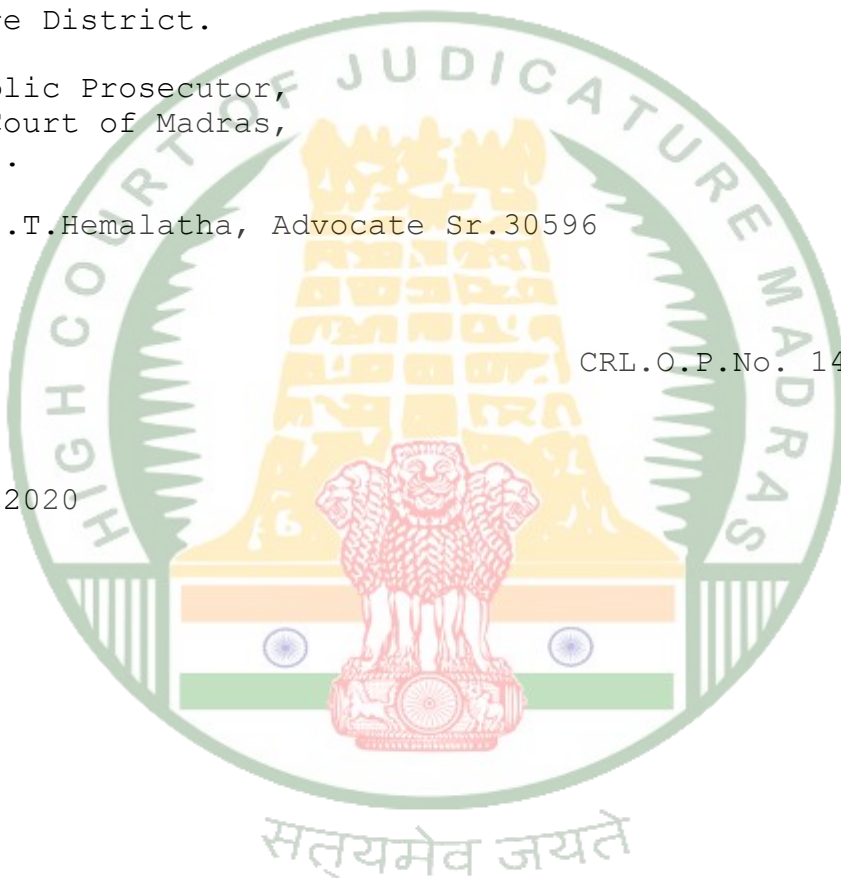
MPA
To

1. The Inspector of Police,
Veppankuppam Police Station,
Vellore District.
2. Deputy Superintendent of Police,
Vellore District.
3. Superintendent of Police,
Vellore District.
4. The Public Prosecutor,
High Court of Madras,
Madras.

+2cc to Ms.T.Hemalatha, Advocate Sr.30596

CRL.O.P.No. 14615 of 2020

ajs[col]
srg 05/11/2020



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