



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 03.02.2020
CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA
CRL.O.P. (MD)No.1727 of 2020

WEB COPY

Karuppusamy

... Petitioner

Vs

The Inspector of Police
Ayakkudi Police Station
Dindigul District
(Crime No.71//2019)

... Respondent

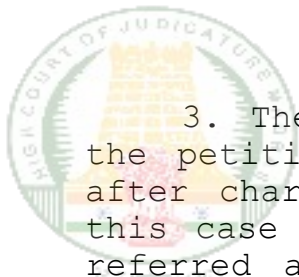
PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to direct the learned Judicial Magistrate, Palani to take the petition filed by the petitioner under section 216 of Cr.P.C. on his file and to deal with the case in accordance with law with respect to alteration of Charges by adding the section 304 A of IPC along with Section 174 Cr.P.C against the accused on the file of the learned Judicial Magistrate, Palani and to proceed in accordance with law.

For Petitioner	: Mr. C.Gangaiamaran
For Respondent	: Mr.S.Chandrasekar
	Additional Public Prosecutor

O R D E R

This criminal original petition has been filed for a direction to direct the learned Judicial Magistrate, Palani to take the petition filed by the petitioner under section 216 Cr.P.C. on his file and to deal with the case in accordance with law with respect to alteration of Charges by adding the section 304 A of IPC along with Section 174 Cr.P.C against the accused on the file of the learned Judicial Magistrate, Palani and to proceed in accordance with law.

2. The learned counsel for the petitioner would submit that his son Muthukutty along with two other villagers had gone to pluck silk cotton and he was found dead in a suspicious manner. Based on the complaint given by yet another son Viji a case in Crime No. 71 of 2019 was registered for the offence under Section 174 Cr.P.C. Due to lack of safety measures in the plantation the petitioner's son passed away, thereby the petitioner had sent a representation to the Inspector of Police, Ayakkudi Police Station, Dindigul District to alter the charge. Since no action has been taken, the present petition has been filed to alter the charge.



3. The learned Additional Public Prosecutor would submit that the petition under Section 216 of Cr.P.C will be applicable only after charge sheet has been filed before the concerned Court. In this case investigation has been completed and the case has been referred as 'Further Action Dropped', thereby the petition filed before this Court is not maintainable. He would also submit that copy of RCS notice has been served on the petitioner which has been acknowledged by the petitioner.

4. Recording the said submission, this criminal original petition is closed. However the petitioner is at liberty to challenge the final report in the manner known to law..

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1. The Inspector of Police
Ayakkudi Police Station
Dindigul District
2. The Additional Public Prosecutor,
Madurai bench of Madras High Court,
Madurai.

+1 CC to Mr.C.GANGAI AMARAN, Advocate (SR-4727[F] dated
04/02/2020)

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MK (19.02.2020) 2P 4C