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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.0.P.No.18795 of 2021

Prabhu ... Petitioner/Defecto Complainant

Vs.

1.The Superintendent of Police
Namakkal District
Namakkal

2.The Inspector of Police
Molasi Police Station
Namakkal District

... Respondents

PRAYER: Petition filed under Section 482 of Cr.P.C., to direct the 2nd respondent to alter the offence in F.I.R as under Section 294(b), 324, 506(ii) and 307 of I.P.C instead of 294(b), 324, 506(ii) of I.P.C in a case registered in Crime No.225 of 2021 on the file of the 2nd respondent and file a final report within a stipulated period by conducting fair investigation.

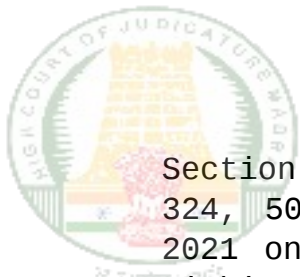
For Petitioner : Mr.M.Subash

For Respondents : Mr.R.Vinothraja
Government Advocate (Cr1. Side)

ORDER

(This case has been heard through video conference)

This petition has been filed, seeking for a direction, to direct the 2nd respondent to alter the offence in F.I.R as under



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Section 294(b), 324, 506(ii) and 307 of I.P.C instead of 294(b), 324, 506(ii) of I.P.C in a case registered in Crime No.225 of 2021 on the file of the 2nd respondent and file a final report within a stipulated period by conducting fair investigation.

2.The petitioner is a complainant, on his complaint, a case in Crime No.225 of 2021 for the offence u/s.294(b), 324, 506(ii) and 307 I.P.C. came to be registered.

3.The contention of the petitioner is that he had gone to the TASMACH shop on 10.09.2021 and since it was late night, the shop was closed and when the petitioner was returning back, some persons belonging to political party intercepted him and stated that they have liquor with them and when the petitioner asked for beer, they asked him to take brandy, when the petitioner refused to buy brandy and intended to leave the place, they have attacked the petitioner with brandy bottle, due to which, he sustained grievous injury and later taken treatment in the Government Hospital. The petitioner would further contend while the aggressors attacked the petitioner they have also used threatening words which attracts Section 307 I.P.C. accordingly, the F.I.R. may be altered to one under Section 294(b), 324, 506(ii) and 307 of I.P.C instead of 294(b), 324, 506(ii) of I.P.C.

4.Learned Public Prosecutor, on instructions submitted that in the Accident Register, it has been stated that four known persons on 10.09.2021 at 10.30 p.m. near Kokkarayanpet using their hands assaulted the petitioner and there is no mention about the usage of bottle or weapon in the Accident Register and there is also no external injury. He would further submit that the petitioner was treated only as an outpatient. In view of the above, the F.I.R. has been registered incorporating the appropriate section. Accordingly prays for dismissal of the petition.

5.In view of the above submissions made by the learned public prosecutor and also considering the contentions made by the petitioner that the allegations are motivated for obvious reasons, the petitioner shall produce materials pertaining to the grievous injury sustained by him in support of his contentions and the same would be considered by the respondent and appropriate action will be taken.



6. With the above observation, this petition stands disposed of.

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Sd/-
Assistant Registrar (CS-VII)

// True Copy //

Sub Assistant Registrar

kas / jeni

To

1. The Superintendent of Police
Namakkal District, Namakkal

2. The Inspector of Police
Molasi Police Station, Namakkal District

3. The Public Prosecutor
High Court of Madras
Chennai 600 104

Cr1.0.P.No.18795 of 2021

AK(CO)
B.VC (28/10/2021)