

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.24930 OF 2021

Gugapathy

..Petitioner

Versus

1. The Deputy Commissioner of Police,
St.Thomas Mount,
Chennai- 600 063.

2. The Inspector of Police,
(Law and Order)
Peerakankaranai Police Station,
St.Thomas Mount,
Chennai-600 063.

... Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure directing the Sub-Inspector of Police (Law and Order) Peerakankaranai Police Station, St.Thomas Mount, Chennai-600 063 to alter the F.I.R. in Crime No.736 of 2021 pending on the file of the 2nd respondent in correct sections of law investigate the crime and file the final report as required under Section 170 (1) of the Code of Criminal Procedure.

For Petitioner : Mr.K.Balakrishnan
For Respondents: Mr.E.Raj Thilak
Additional Public Prosecutor

O R D E R

This petition has been filed to direct the Sub-Inspector of Police (Law and Order) Peerakankaranai Police Station, St.Thomas Mount, Chennai-600 063 to alter the F.I.R. in Crime No.736 of 2021 pending on the file of the 2nd respondent in correct sections of law, investigate the crime and file the final report as required under Section 170 (1) of the Code of Criminal Procedure.

2. The learned counsel appearing for the petitioner submitted that the petitioner and his wife were assaulted by his brothers for which the petitioner lodged a case against them and the same was registered in Crime No.736 of 2021 for offences punishable under Sections 341, 323, 324, 427 and 506 (i) IPC. He further submitted that immediately after the assault the petitioner and her husband got treatment in the Government Hospital, Chrompet and the petitioner's wife taken the treatment as inpatient for the injuries being inflicted on the scalp and vital parts of the body and the respondent police have not chosen to register the FIR with correct sections and hence prays for the aforesaid direction.

3. The learned Additional Public Prosecutor appearing for the respondent submitted that it is a case in counter and the counter complainant is none other than the brother of the accused and a case in Crime no.737 of 2021 for offence punishable under Sections 294 (b), 323 and 506 (ii) was registered against the petitioner and his wife. He further submitted that there is also a civil suit pending between them. He further submitted that the respondent police collected the medical records and proceeded with the investigation if the petitioner has any other material available with him to substantiate that series of the offence, the same may be produced and on receipt of the same, necessary sections can be included by way of alteration report.

4. The learned counsel appearing for the petitioner submitted that the petitioner and his wife will appear before the respondent police along with medical records available with them.

5. Considering the submission made by the learned counsel appearing on either side, the petitioner and his wife is directed to appear before the respondent police with medical records available with them within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the respondent police shall take appropriate action by including necessary sections, if required.

6. This Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

arr

To

1. The Deputy Commissioner of Police,
St.Thomas Mount,
Chennai- 600 063.
2. The Inspector of Police,
(Law and Order)
Peerankaranai Police Station,
St.Thomas Mount,
Chennai-600 063.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Balakrishnan, Advocate, S.R.No.69198

Crl.O.P.No.24930 of 2021

CP(CO)
PM/06/01/2022