



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.25156 of 2021

R.Azhakusundari

... Petitioner/Defacto Complainant

Versus

1. The Superintendent of Police
Ariyalur District
Ariyalur.

2. The State represented by
Sub-Inspector of Police
Udaiyarpalayam Police Station
Ariyalur District.

... Respondents/Plaintiffs

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the Police officials to alter the First Information Report by impleading all the accused persons and make an enquiry and to file additional fresh FIR and to file a final report in Crime No.336 of 2021 to put the appropriate Sections in FIR pending on the file of the second respondent/Police.

For Petitioner : Mr.S.Selvaraj

For Respondent : Mr.R.VinothRaja
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to direct the Police officials to alter the First Information Report by impleading all the accused persons and file additional fresh FIR by putting appropriate Sections in the FIR pending on



the file of the second respondent/Police and to file a final report in Crime No.336 of 2021.

2. The grievance of the petitioner is that he lodged a complaint and an FIR came to be registered in Crime No.336 of 2021 for the offence under Sections 294(b) and 323 of IPC, but thereafter no action has been taken. Despite the petitioner gave statement against one Kamaraj about his paramount involvement in the incident, his name was not included in the FIR. Hence, the First Information Report has to be altered. He further submits that a counter complaint was lodged by one Vennila, daughter of Kamaraj and the case in Crime No.335 of 2021 for the offence under Sections 294(b), 448, 323 and 506(i) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002, came to be registered. The said Kamaraj is an influential person and hence no action has been taken against him. Subsequently, FIR No.336 of 2021, which was registered based on the petitioner's complaint, came to be closed as a mistake of fact and now the petitioner is taking steps to file protest petition before the concerned Magistrate.

3. The learned Additional Public Prosecutor submits that the petitioner's complaint was closed as mistake of fact and also a notice was served to the petitioner. On receiving the notice, the petitioner has not filed any protest petition before the concerned Court. Earlier, the respondent Police on receipt of a complaint from the petitioner, examined 8 witnesses and found that the case is civil in nature and thereafter, closed the case as a mistake of fact.

4. In view of the same, it seen that the respondent police after investigation only, closed the case as a mistake of fact. However, liberty is given to the petitioner to raise all the points before the Judicial Magistrate No.II, Jayakondam.

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

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

dna



To

1. The Judicial Magistrate No.II,
Jayakondam.
2. Do-Through,
The Chief Judicial Magistrate,
Ariyalur.
3. The Superintendent of Police
Ariyalur District
Ariyalur.
4. The Sub-Inspector of Police
Udaiyarpalayam Police Station
Ariyalur District.
5. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Selvaraj, Advocate, S.R.No.1818

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PMK (CO)
SU(31/01/2022)