



Crl.O.P.No.27697 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2022

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

Crl.O.P.No.27697 of 2022

S.Udayakumar

... Petitioner

/vs/

1.The Superintendent of Police,
Villupuram District,
Villupuram.

2.The Inspector of Police,
Thiruvannainallur Police Station,
Villupuram District- 607 203.

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the respondent police to alter the FIR in Crime No.243/2022 on the file of the second respondent police by including Sections 307, 326 of I.P.C. and Section 3 of SC / ST (POA) Act, 1989 as amended, enquire the case in accordance with law.

For Petitioner

... Mr.D.Babu

For Respondents

... Mr.S.Santhosh,
Govt. Advocate (Crl.Side)



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ORDER

This Criminal Original Petition has been filed to direct the respondent police to alter the FIR in Crime No.243 of 2022 on the file of the second respondent police by including Sections 307, 326 of I.P.C. and Section 3 of SC / ST (POA) Act, 1989 as amended, enquire the case in accordance with law.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondents.

3. The learned counsel for the petitioner submitted that a complaint has been given by the petitioner against some named persons on 28.09.2022, on the allegation that he was assaulted by the accused and he was also abused and harassed; despite there are materials available to make out a case against the accused for the offences under Sections 307, 326 of I.P.C. and Section 3 of SC / ST (POA) Act, the respondent police had registered the case only for a less serious offence and hence a direction should be given to the respondent police to alter the charges.



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4. The learned Government Advocate (Crl.Side) appearing for the respondents submitted that since the investigation is still pending, it is always possible to alter the charges in accordance with the materials obtained by the Investigation Officer.

5. Since the investigation is still pending, the petitioner is at liberty to give his additional statement and materials in order to show that there are other serious offences were also committed by the accused on the alleged date of occurrence. If the petitioner gives his additional statement, the respondent police shall record the same and do the needful in accordance with law. Since the respondent police had taken up the investigation, the Investigating Officer should be allowed to do independent enquiry without any interference.

6. With the above observations, this Criminal Original Petition is disposed.

11.11.2022

Index: Yes/No
Internet: Yes/No
gsk



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R.N.MANJULA ,J.

gsk

To

- 1.The Superintendent of Police,
Villupuram District,
Villupuram.
- 2.The Inspector of Police,
Thiruvennainallur Police Station,
Villupuram District- 607 203.
- 3.The Public Prosecutor,
High Court, Madras.

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