



WEB COPY



Crl.O.P.No.31094 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2022

CORAM:

THE HON'BLE Ms.JUSTICE **R.N.MANJULA**

Crl.O.P.No.31094 of 2022

B.Thanigaivel

... Petitioner

Vs.

1. The Superintendent of Police,
Kanchipuram District,
Kanchipuram.
2. The State represented by
The Sub Inspector of Police,
Siva Kanchi Police Station,
Kanchipuram.
(Crime No.558 of 2022).

... Respondent

Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to direct 2nd respondent police to conduct further investigation and include all the offence committed by the accused stated in the complaint by considering the petitioner's representation dated 05.09.2022 in Crime No.558/2022 and pass such further or other order as this Hon'ble Court may deem fit and proper in the circumstances of the case.

For Petitioner : Ms.V.Sahaana

For Respondents : Mr.S.Santhosh,
Govt. Advocate (Crl.Side)



Crl.O.P.No.31094 of 2022

WEB COPY

ORDER

This Criminal Original Petition has been filed seeking to direct the 2nd respondent police to conduct further investigation and include all the offence committed by the accused stated in the complaint by considering the petitioner's representation dated 05.09.2022 in Crime No.558 of 2022.

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 petitioners submitted that the accused is the elder brother's son of the *defacto* complainant; when the *defacto* complainant demanded a partition of the family properties, he was assaulted by the accused badly and in view of that the petitioner had sustained grievous injuries; he was attacked with sharp weapons and several sutures were made on the left eye of the petitioner, due to which, the petitioner has lost his vision on his left eye; but the second respondent police had underplayed the truth without invoking the relevant provisions for the serious offence.

4. The learned Government Advocate (Crl.Side) appearing for the respondents submitted that even though the case has been registered for the



Crl.O.P.No.31094 of 2022

WEB COPY

offence under Sections 294(b), 323 and 506(i) IPC, subsequently, it has been altered into Sections 294(b), 325 and 506(i) IPC.

5. During the investigation, the charges can be altered at any time depending on the materials obtained during investigation. It seems that the second respondent has altered the charges, after obtaining the wound certificate and hence, there need not be any grievance for the petitioner in this regard. It is upto the petitioner to make any further statement before the Investigating Officer, as the investigation has not yet been concluded.

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

16.12.2022

Index: Yes/No

Speaking / Non Speaking Order

kmi

To

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

2. The Sub Inspector of Police,
Siva Kanchi Police Station,
Kanchipuram.

3. The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.O.P.No.31094 of 2022

R.N.MANJULA, J.

kmi

Crl.O.P.No.31094 of 2022

16.12.2022