



Crl.O.P.No.4995 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED:03.03.2023**

**CORAM:**

**THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN**

**Crl.O.P.No.4995 of 2023**

R.W.H.Ghyaz Ahmed

... Petitioner

**Vs.**

- 1.Dr.C.Sylendra Babu, I.P.S.,  
The Director General of Police,  
No.1, Dr.Radhakrishnan Salai,  
Mylapore, Chennai – 600 004.
- 2.The Additional Commissioner of Police,  
Traffic Head Quarters,  
Vepery, Chennai – 600 007.
- 3.The Deputy Commissioner of Police,  
The Superintendent of Police,  
F-1, Chintadripet Police Station (Traffic)  
No.972, Arunachala Street,  
Chennai – 600 002.
- 4.The Assistant Commissioner of Police,  
(Egmore ACP Office)  
F-1, Chintadripet Police Station  
No.972, Arunachala Street,  
Chennai – 600 002.
- 5.The inspector of Police,  
Traffic Investigation Wing,  
D-6, Anna Square,



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Cr.No.297/T1/2022 dt.29.09.2022

F-1, Chintadripet Police Station

Chennai – 600 002.

6. Sevla Vinayagam

Sub Inspector of Police,

Investigation Officer,

F-1, Chintadripet Police Station

No.972, Arunachala Street,

Chennai – 600 002.

7. Daniel Paul MTC, I.O.

Metropolitan Transport Corporation Ltd.,

No.2, Pallavan Illam, Pallavan Salai,

Chennai – 600 002.

... Respondents

**PRAYER:** Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the respondent Police to alter the FIR No.297 of 2022 as per the Medical Records and the Police Complaint preferred dated 03.11.2022, received by all the Police Officers, DGP and others and MTC Investigating Officer, include U/s 279 & 338 of I.P.C., grievous injury, include all the offences as mentioned and to file Additional/Fresh FIR and to file the Final Report before the concerned Magistrate.

For Petitioner : Mr.R.W.H.Ghyaz Ahmed P

For Respondents : Mr.S.Santhosh (For R1 to R5)  
Government Advocate (Crl side)

### **ORDER**

This Criminal Original Petition has been filed to direct the respondent Police to alter the FIR No.297 of 2022 as per the Medical Records and the



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Police Complaint preferred dated 03.11.2022, received by all the Police Officers, DGP and others and MTC Investigating Officer, include U/s 279 & 338 of I.P.C., grievous injury, include all the offences as mentioned and to file Additional/Fresh FIR and to file the Final Report before the concerned Magistrate.

2.It is the submission of the learned counsel for the petitioner that petitioner, when he was riding his two wheeler bearing No.TN-03-H-0519 in front of K.P.I.L.M. School in Triplicane High Road from South to North, the bus bearing No.TN-01-N-5757 was driven by its driver in rash and negligent manner from opposite direction and hit against him. As a result, he suffered injuries. On the basis of his complaint, First Information Report in Cr.No.297 of 2022 for the offences under Section 279 and 337 I.P.C was registered by TIW East, Anna Square Police Station.

3.It is the submission of the learned counsel for the petitioner that petitioner suffered grievous injuries and therefore, the section should be appropriately altered.

4.In response, the learned Government (Criminal side) submitted that



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after the accident and during the course of the investigation, it came to the light that petitioner suffered grievous injuries. Therefore, the Sections are altered now as 279 and 338 I.P.C. instead of Section 279 and 337 I.P.C and investigation is pending and final report will be filed after completion of investigation.

5.In the light of the submission of the learned Government Advocate (Criminal side) that the Sections are altered from 279 and 337 I.P.C to 279 and 338 I.P.C., this Court finds that there is no need to pass any orders in this petition.

6.Accordingly, this Criminal Original Petition is dismissed.

**03.03.2023**

Internet:Yes  
Index:Yes/No  
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To:

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**G.CHANDRASEKHARAN, J.**

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7. Daniel Paul MTC, I.O.  
Metropolitan Transport Corporation Ltd.,  
No.2, Pallavan Illam, Pallavan Salai,  
Chennai – 600 002.

8. The Public Prosecutor,  
High Court of Madras.

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