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Crl.O.P.No.8336 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.8336 of 2023

S.Muthu Prasath

...Petitioner

Vs.

1.The Superintendent of Police,
Thiruvallur District.

2.The Inspector of Police,
C4, Pennalurpettai Police Station,
Thiruvallur District.

...Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C, to issue a direction directing the 2nd respondent to alter the F.I.R. in Crime No.95 of 2023 and including the Section of offence under Section 120 (B), 362 and 397 of I.P.C. which is pending on the file of the 2nd respondent herein in accordance with law.

For Petitioner : Mr.G.Velmurugan

For Respondents : Mr.S.Santhosh(For R1 & R2)
Government Advocate (crl.side)



Crl.O.P.No.8336 of 2023

WEB COPY

ORDER

This Criminal Original Petition has been filed to issue a direction directing the 2nd respondent to alter the F.I.R. in Crime No.95 of 2023 and including the Section of offence under Section 120 (B), 362 and 397 of I.P.C. which is pending on the file of the 2nd respondent herein in accordance with law.

2.The learned counsel for the petitioner submitted that petitioner is a defacto-complainant in Cr.No.95 of 2023 registered for the offence under Sections 294 (b), 323, 324, 506 (ii) I.P.C. Petitioner was brutally attacked by the named accused and others totalling eleven persons. In fact, the respondent Police obtained the signature of the petitioner in white blank paper and then they prepared a complaint on their own. The complaint allegations which are reflected in the First Information Report are not correct. The respondent omitted to include the other accused, registered the First Information Report only for the offences under Section 294 (b), 323, 324, 506 (ii) I.P.C. The First Information Report ought to have been



Crl.O.P.No.8336 of 2023

registered for the offences under Section 120 (b), 362 and 397 of I.P.C. as well. Therefore, this petition is filed.

3.The learned Government Advocate (Criminal side) submitted that First Information Report was registered only on 09.03.2023. The allegations that complaint was prepared by the respondent Police on the blank signed white paper given by the petitioner is not true. During the course of investigation, the First Information Report was altered for the offences under Section 294 (b), 323, 324, 506 (ii), 307 I.P.C.

4.Considered the rival submissions and perused the records.

5.The records especially photographs produced by the petitioner shows that he was beaten black and blue by the accused in this case. Injuries of the petitioner are serious in nature. It is also the submission of the learned counsel for the petitioner that petitioner's phone was robbed by the accused. Later it was recovered from the accused. Still the First Information Report is not registered for the commission of offence of



Crl.O.P.No.8336 of 2023

robbery / decoity. This Court from the submissions, records find force in the submission of learned counsel for the petitioner. Therefore, this Court directs the second respondent to conduct proper investigation in this case and include appropriate provisions of law on accused who participated in the crime. This Court also directs the Superintendent of Police, Tiruvallur, to monitor the investigation and approve the final report before it is submitted before the concerned Court.

6.With the above direction and observation, this Criminal Original Petition is disposed of.

18.04.2023

Index: Yes/No
Speaking/Non speaking order
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WEB COPY



Crl.O.P.No.8336 of 2023

To

- 1.The Superintendent of Police,
Thiruvallur District.
- 2.The Inspector of Police,
C4, Pennalurpettai Police Station,
Thiruvallur District.
- 3.The Public Prosecutor,
High Court, Madras.



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Crl.O.P.No.8336 of 2023

G.CHANDRASEKHARAN, J.

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Crl.O.P.No.8336 of 2023



WEB COPY



CrI.O.P.No.8336 of 2023

18.04.2023