



WEB COPY



Crl.O.P.No.13909 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2023

CORAM

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

Crl.O.P.No.13909 of 2023

A.Ranganathan

... Petitioner

Vs.

1. The Commissioner of Police,
A Greater Chennai,
Vepery,
Chennai-600007.

2. The State represented by
Inspector of Police,
S1 St.Thomas Mount Police Station,
Alandur,
Chennai-600 016.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the second respondent Inspector of Police, S1 St.Thomas Mount Police Station, to alter the FIR to include the offence u/s.307 of IPC in Crime No.302 of 2022 on the facts.

For Petitioner	: Mr.B.Chandran
For Respondents	: Mr.Leonard Arul Joseph Selvam Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition has been filed directing the second respondent Inspector of Police, S1 St.Thomas Mount Police Station, to alter the FIR to include the offence u/s.307 of IPC in Crime No.302 of 2022.

2. The learned counsel for the petitioner submitted that in an incident concerned in Crime No.302 of 2022, the accused had attacked the petitioner indiscriminately and he was hit on his head with an iron rod. As a result, the petitioner suffered serious head injury. However, FIR was registered only for the offences under Sections 294(b), 324 and 506(2) of IPC. FIR ought to have been registered for the offence under Section 307 IPC. Therefore, this petition is filed to include the offence under Section 307 IPC.

3. In response, the learned Government Advocate (Crl.Side) submitted that the investigation in this case is pending and the submission of the petitioner will be considered by the Investigating Officer, during the course of investigation and appropriate final report will be filed.



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4. In the nature of facts and circumstances of the case, where it is alleged that the petitioner was attacked by his father on his head with an iron rod and he suffered head injury, prima facie the offence under Section 307 is made out. Therefore, the second respondent is directed to consider the petitioner's representation during the course of investigation and file appropriate final report on the basis of evidence collected before the Court concerned.

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

23.06.2023

Index:Yes/No
Speaking/Non speaking order
mn



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G.CHANDRASEKHARAN.J.,

mn

To

1. The Commissioner of Police,
A Greater Chennai,
Vepery,
Chennai-600007.
2. The Inspector of Police,
S1 St.Thomas Mount Police Station,
Alandur,
Chennai-600 016.
3. The Public Prosecutor,
High Court of Madras.

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