



Crl.O.P.(MD)No.1917 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.02.2023**

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.1917 of 2023

A.Selvam

... Petitioner

Vs.

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

2.The Inspector of Police,
Muthukulathur Police Station,
Ramanathapuram District.

3.Saraswathy

4.Muthulingam

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records with regard to the final report in C.C.No.74 of 2021 on the file of the Judicial Magistrate, Mudukulathur and set aside the same and direct the second respondent to conduct further investigation of the case in Crime No.482 of 2020 pending on the file of the second respondent within the stipulated period as prescribed by this Court.



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For Petitioner : Mr.M.Munisamy

For R1 & R2 : Mr.R.Sivakumar
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking direction to set aside the final report filed in C.C.No.74 of 2021 and directing the second respondent to conduct further investigation.

2. The learned counsel appearing for the petitioner would submit that though the petitioner has given a complaint attracting the offence under Section 307 IPC, FIR came to be registered only for the offences under Sections 294(b) and 324 IPC and that since the respondents 3 and 4 were close relatives to the then Sub Inspector of Police, final report has been filed for the very same offences under Sections 294(b) and 324 IPC. He would further submit that in the FIR, the petitioner has specifically alleged that the private respondents had attacked him with aruval on his head and since he had prevented the attack by his hands, he has sustained injury only on his hands.



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3. The learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 would submit that the trial has already been commenced and out of seven witnesses, three witnesses have already been examined including the petitioner.

4. Since the petitioner and two other witnesses were already given their evidence before the concerned Court, the petitioner is at liberty to approach the learned Magistrate and file his application for altering the charges and on such filing, the learned Magistrate is directed to consider the same and pass orders before proceeding with the trial.

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

02.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm



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K.MURALI SHANKAR,J.

csn

To

- 1.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.
- 2.The Inspector of Police,
Muthukulathur Police Station,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Crl.O.P.(MD)No.1917 of 2023

Dated: 02.02.2023