



CrI.O.P.(MD) No.13877 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.08.2023**

CORAM:

THE HONOURABLE DR.JUSTICE **D.NAGARJUN**

CrI.O.P.(MD) No.13877 of 2023

B.Annakamu

... Petitioner

Vs.

1.The Commissioner of Police,
C.O.P.Office, TVS Tollgate,
Trichy-20, Trichy District.

2.The Inspector of Police,
Palakkarai Police Station,
Palakkarai, Trichy-1,
Trichy District.

3.Kumaravelu

4.Sarulatha

...Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the second respondent herein to comply with the order made in CrI.M.P.No. 12187 of 2023 on the file of the Judicial Magistrate, No.5, Trichy dated on 29.05.2023 within a stipulated period as may be fixed by this Court.



Crl.O.P.(MD) No.13877 of 2023

WEB COPY

For Petitioner : Mr.R.Sundar

For R1 & R2 : Mr.SS.Madhavan
Government Advocate (Crl.side)

ORDER

This Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure seeking for a direction to the respondent police to comply with the orders passed by the learned Judicial Magistrate, No.5, Trichy in Crl.M.P.No.12187 of 2023 dated 29.05.2023.

2.It is submitted by the learned counsel for the petitioner that on a complaint given by the petitioner, the police have registered a case in Crime No. 257 of 2023 against the accused persons alleging that they have committed the offence under Sections 294(b) and 323 IPC.

3.It is the case of the petitioner that even according to the complaint, the police should have registered the case under Sections 324 and also 506 (i) or (ii) IPC basing on the alleged criminal intimidation. When the police have not reacted to the request of the petitioner, the petitioner has approached the learned Judicial



Crl.O.P.(MD) No.13877 of 2023

WEB COPY

Magistrate No.5, Trichy and filed Crl.M.P.No.12187 of 2023, seeking suitable directions by filing the medical certificates on behalf of the petitioner. The learned Magistrate has directed the respondent police to receive the documents, medical certificate being filed by the petitioner and considered the request of the petitioner in respect of alteration of Sections of law in the FIR.

4.Keeping aside the issues as to whether the learned Magistrate can pass such an order directing the Investigating Officer, the fact remains, even according to the complaint, the police should have been registered the case under Section 506 IPC and should have been investigated on that lines. The learned Government Advocate (Crl.side) on the other hand submits that in case if the petitioner appears before the Court and submits the wound certificate, certainly the Investigating Officer would consider the same and proceed further and the same is recorded.

5.Accordingly, this Petition is disposed of directing the respondent police to consider the representation including the documents being filed by the



Crl.O.P.(MD) No.13877 of 2023

WEB COPY

petitioner in respect of the injuries received by him during the alleged incident and take appropriate action during the course of investigation.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

03.08.2023

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To

- 1.The Commissioner of Police,
C.O.P.Office, TVS Tollgate,
Trichy-20, Trichy District.
- 2.The Inspector of Police,
Palakkarai Police Station,
Palakkarai, Trichy-1,
Trichy District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD) No.13877 of 2023

DR.D.NAGARJUN. J.

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Crl.O.P.(MD)No.13877 of 2023

03.08.2023