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CrI.O.P.No.8108 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.8108 of 2024

Habipunnisha

... Petitioner

Vs.

The Inspector of Police,
V.Kalathur Police Station-D2,
Veppanthatai TK,
Perambalur-621117

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to direct the respondent to alter the FIR in Crime No.132 of 2023 on the file the respondent.

For Petitioner : Mr.D.Abddullah

For Respondent : Mr.S.Udaya Kumar
Government Advocate (CrI.Side)

ORDER

This Criminal Original Petition is filed to alter the F.I.R., alleging that the injury sustained by the victim is a grievous injury and therefore the accused should be prosecuted for an offence under Section 325 of IPC instead of Section 323 of IPC.



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2. The learned Government Advocate (Crl.Side) appearing for the respondent police states that the final report has already been filed on 28.06.2023, but so far not taken on file.

3. The learned counsel appearing for the petitioner submits that the scan report indicates disc lapse on L4 and L5 and there is also compressed fracture at D10 and D12 and therefore, the final report ought to have been filed for offence under Section 325 IPC.

4. The learned Government Advocate (Crl.Side) on perusing the CD file states that the scan report dated 06.06.2023 which was after 20 days of the occurrence never been produced by the complainant/ victim in the course of investigation and therefore, with the available material the final report has been filed.

5. Section 173(8) of Cr.P.C., enables the investigating officer to file further report if any new facts surface which is relevant for the investigation and trial. If the victim has any medical report, she can produced it before the



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Investigating Officer and seek for further enquiry in this matter. After verifying

the credential of the documents, if necessary, the Investigating Officer shall file

additional report under Section 173(8) of Cr.P.C., based on the new materials.

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

03.04.2024

Index : Yes/No

Neutral Citation : Yes/No

rpl

To

1.The Inspector of Police,
V.Kalathur Police Station-D2,
Veppanthatai TK,
Perambalur-621117

2.The Public Prosecutor,
High Court of Madras,
Chennai.



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Dr.G.JAYACHANDRAN,J.

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