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Crl.OP.No.7965 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.7965 of 2024

Syed Layak Ali

... Petitioner

Vs.

1. The Deputy Commissioner of Police,
Central Crime Branch-I,
Commissioner Office Building,
EVK Sampath Road, Vepery,
Chennai-600 007.
2. The Assistant Commissioner of Police,
Video Piracy Cell, Central Crime Branch-I,
Commissioner Office Building,
EVK Sampath Road, Vepery,
Chennai-600 007.
3. The Inspector of Police,
Video Piracy Cell, Central Crime Branch-I,
Commissioner Office Building,
EVK Sampath Road, Vepery,
Chennai-600 007.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to direct the respondents herein alter the FIR and to include and register Section 420 of IPC in FIR.No.367 of 2017 pending on the file of respondent police.



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For Petitioner : Mr.Vaibhav R.Venkatesh

For Respondents : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)

ORDER

The petitioner herein who is a complainant in a case which is under investigation in Cr.No.367 of 2017 seeks intervention of this Court to direct the respondent police herein to alter an F.I.R and include offence under Section 420 of IPC.

2. The averment of the complaint is that there is a violation of copy right and non payment of the due payable. Based on a petition under Section 156(3) of Cr.P.C, the case has been registered and when the quash petition was filed by the accused persons, the High Court has dismissed it with a direction that investigation must be completed within a period of twelve (12) weeks. However, being aggrieved the accused persons have approached the Hon'ble Supreme Court and Hon'ble Supreme Court had restrained the investigating agency not to file final report without the permission of the Supreme Court. At the same time, the investigating agency been permitted to proceed with the investigation in terms of Paragraph No.21 of the impugned order.



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3. At this juncture, the complainant who is the petitioner herein has addressed the Assistant Commissioner of Police, Video Piracy Cell, Central Crime Branch-I, Chennai to include Section 420 IPC in the F.I.R. For the said request, the Assistant Commissioner has replied vide letter dated 05.02.2024.

4. This Court on perusing the documents finds that altering the charges in the final report is the prerogative of the Investigating Officer and it is not the end of the matter. Once a final report is filed, and if there are ingredients to frame charges under Section 420 of IPC, the trial Court will take care of it.

5. The petitioner has set the law into motion and the respondent police is investigating the case and due to the restraint order by the Hon'ble Supreme Court, they have not yet finalized the final report. Once they get permission from the Supreme Court to file final report, they will be filing the final report. Only on filing the final report, there will be a clear picture under what provision of law, the person is going to be prosecuted and what are the materials available for the Court to



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frame charges. It is too premature for the petitioner herein to approach this Court for the said relief to alter the F.I.R.

7. With the above observations, this Criminal Original Petition is dismissed.

Vv

03.04.2024

To

1. The Deputy Commissioner of Police,
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Chennai-600 007.
2. The Assistant Commissioner of Police,
Video Piracy Cell, Central Crime Branch-I,
Commissioner Office Building,
EVK Sampath Road, Vepery,
Chennai-600 007.
3. The Inspector of Police,
Video Piracy Cell, Central Crime Branch-I,
Commissioner Office Building,
EVK Sampath Road, Vepery,
Chennai-600 007.
4. The Public Prosecutor,
High Court of Madras,
Chennai.



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Dr.G.JAYACHANDRAN,J.

Vv

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