



Crl.O.P.(MD)No.18399 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.11.2024**

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD) No.18399 of 2023

Thenmozhi

... Petitioner

Vs.

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

2.The Inspector of Police,
Madukkkur Police Station,
Thanjavur District.
(Crime No.77/2021)

... 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.118 of 2021 on the file of the Judicial Magistrate, Pattukkottai and set aside the same and direct the R2 to conduct further investigation of the case in Crime no.77 of 2021.

For Petitioner : Mr.B.Anandan

For Respondents : Mr.A.Albert James
Government Advocate (Crl.Side)



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ORDER

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This petition has been filed challenging the final report that has been filed in C.C.No.118 of 2021 on the file of the learned Judicial Magistrate, Pattukkottai and for a further direction to the second respondent to conduct further investigation and file a supplementary charge sheet.

2.Heard the learned counsel for the petitioner and the learned Government Advocate appearing on behalf of the respondents.

3.The case of the petitioner is that on 22.02.2021, when the petitioner was in her house, the accused persons entered the house with dangerous weapons and also with the liquor bottles filled with petrol. When the petitioner questioned them, they informed that the money that was borrowed by them will not be returned back and that the money should not be demanded from them. The petitioner was abused in filthy language and she was also threatened with dire consequences not to demand the money and the liquor bottles filled with petrol was also thrown inside the house of the petitioner.



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4. Based on the complaint given by the petitioner, an FIR came to be registered by the second respondent in Crime No.77 of 2021 for offences under Sections 147, 148, 294(b), 506(ii) of IPC and Section 3 of the Explosive Substances Act, 1908.

5. In the course of investigation, an alteration report came to be filed before the learned Judicial Magistrate by removing the provision under the Explosive Substances Act. The provisions were altered as Sections 147, 148, 294(b), 506(ii), 452, 435 read with Section 511 of IPC.

6. The final report was filed before the Court below on completion of investigation with the same provisions.

7. The grievance of the petitioner is that the allegations made in the complaint and the materials collected by the police, clearly made out a case under Section 3 of the Explosive Substances Act and whereas this provision was intentionally omitted in the final report. It is under these circumstances, the present petition has been filed before this Court.



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8.In the considered view of this Court, the mere omission to mention the offence under the Explosive Substances Act in the final report, by itself does not draw the curtains. The trial Court is given wide powers under Section 216 of Cr.P.C. to alter the charges at any stage till the passing of the final judgment. Therefore, if the trial Court is able to collect materials in the course of enquiry/trial which makes out an offence under the Explosive Substances Act, the trial Court can always alter the charges and include the relevant offence. The procedure is provided under Section 216 of Cr.P.C.

9.In view of the above, it will suffice if this clarity is given and the observations made will sufficiently redress the grievance expressed by the petitioner.

10.This Criminal Original Petition is disposed of in the above terms.

28.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PKN



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WEB COPY To

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



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N.ANAND VENKATESH,J.

PKN

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