

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.07.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.18735 of 2015

J.Rajendran

...Petitioner

Vs

- 1.State Rep.by  
The Superintendent of Police,  
Office of the Superintendent of Police,  
Kanchipuram District.
- 2.The Deputy Superintendent of Police,  
Kanchipuram,  
Kanchipuram District.
- 3.The Inspector of Police,  
D-5, Palur Police Station,  
Kanchipuram District.

...Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., praying to direct the third respondent police to include the third and fourth accused in the Final Report No.105/2014 dated 06.09.2014 in Cr.No.141/2014 numbered as CC No.371 of 2014 on the file of the learned Judicial Magistrate-I at Chengalpet based on the representation dated 12.03.2015 pending before the learned Judicial Magistrate-I at Chengalpet.

For Petitioner : Mr.N.S.Amarnath

For Respondents : Mr.C.Emalias  
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed praying to direct the third respondent police to include the third and fourth accused in the final report no.105/2014 dated 06.09.2014 in Cr.No.141/2014, numbered as C.C No.371 of 2014 on the file of the learned Judicial Magistrate-I, Chengalpet, based on the

representation dated 12.03.2015, pending before the learned Judicial Magistrate-I at Chengalpet.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. On a complaint lodged by the petitioner, the respondent Police have registered the case in Crime No.141 of 2014 on 16.04.2014 under Sections 294(b), 324, 506(ii) IPC., against (1) Karvannan, (2) Vinayagam, (3) Surya, (4) Sridhar.

4. After completing the investigation, it appears that the Police have filed the final report only against Karvannan and Vinayagam, but Surya and Sridhar were left out in the final report.

5. It is seen that the petitioner has filed a petition under Section 319 Cr.P.C., instead of protest application as per the decision laid down by the Hon'ble Supreme Court in Bhagwant Singh V. Commissioner of Police and another [AIR 1985 SUPREME COURT 1285].

6. The learned counsel appearing for the petitioner submits that the petition filed by the defacto-complainant is kept pending by the learned Judicial Magistrate No.I, Chengalpet.

7. Under such circumstances, this Court directs the learned Judicial Magistrate No.I, Chengalpet to treat the said petition as protest application and proceed with the same in accordance with law, if no orders have been passed thereon as of now.

8. With the above direction, this Criminal Original Petition is closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

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To

1. The Judicial Magistrate No.I  
Chengalpet.

Sub Assistant Registrar

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2.-Do- Through The Chief Judicial Magistrate,  
Kancheepuram.

3.The Superintendent of Police,  
Office of the Superintendent of Police,  
Kanchipuram District.

4. The Deputy Superintendent of Police,  
Kanchipuram,  
Kanchipuram District.

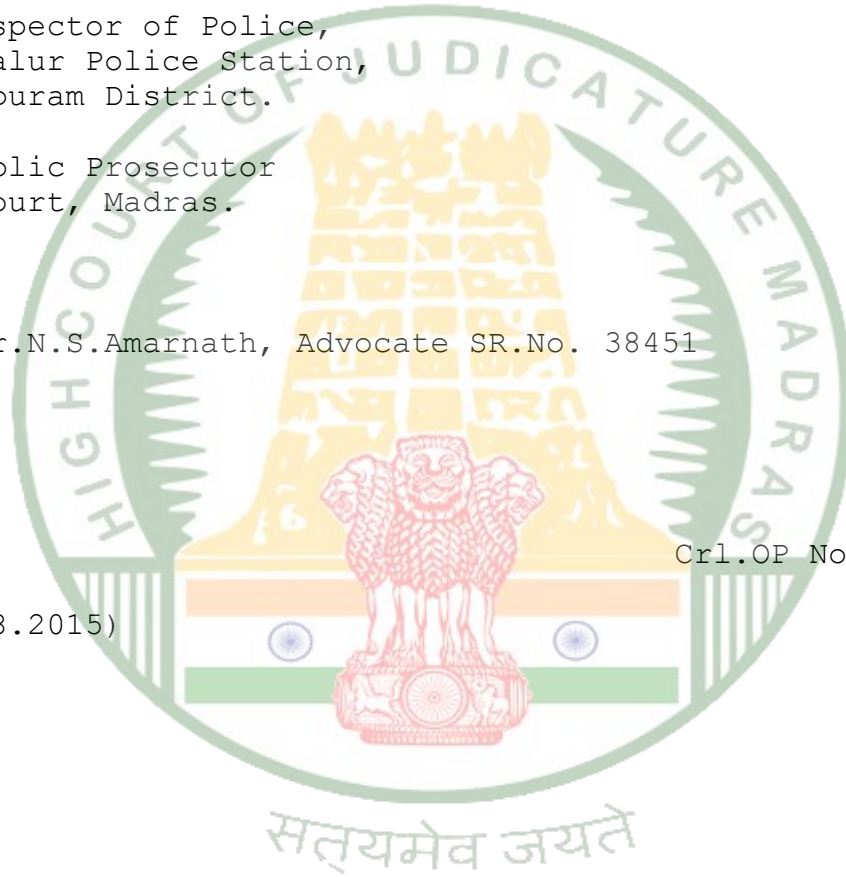
5. The Inspector of Police,  
D-5, Palur Police Station,  
Kanchipuram District.

6. The Public Prosecutor  
High Court, Madras.

1 CC to Mr.N.S.Amarnath, Advocate SR.No. 38451

SV (CO)  
PSI (31.08.2015)

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