

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

Crl.O.P.No.23466 of 2015

Vedavalli

... Petitioner

Vs

State represented by

The Sub Inspector of Police,
Avalur Pettai Police Station,
Villupuram District.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent above case in Crime No.401/2009 to investigate and to file a final report under Sections 147, 148, 341, 294, 324, 323, 355, 354 and 506(ii) I.P.C. against Munusamy, Rajendiran, Velu, Sankar @ Loganathan, Rukku, Rajam, Rajakumari, Kuppan, Elumalai, wife of Kuppan, Poonjolai, Chinnathayee, Deepa.

For Petitioner : Mr.R.Balakrishnan

For Respondent : Mr.C.Emalias,
Addl. Public Prosecutor

ORDER

The present criminal original petition has been filed by the petitioner seeking a direction to the respondent to investigate the case in Crime No.401 of 2009 and to file a final report under Sections 147, 148, 341, 294, 324, 323, 354 and 506(ii) I.P.C. against Munusamy, Rajendiran, Velu, Sankar @ Loganathan, Rukku, Rajam, Rajakumari, Kuppan, Elumalai, wife of Kuppan, Poonjolai, Chinnathayee, Deepa.

2. It is the case of the petitioner that earlier he has moved a petition in Crl.O.P.No.4666 of 2011 before this Court seeking a direction to the respondent police to file a final report in Crime No.401 of 2009. When the said matter came up before this Court on 28.2.2011, learned Government Advocate (Crl. Side) submitted that charge sheet was already filed and it was taken on file as C.C.No.742 of 2010 by the learned Judicial Magistrate, Gingee, Villupuram. Recording the said submission, this Court closed the said petition in Crl.O.P.No.4666 of 2011. Thereafter, the petitioner verified the same with the Judicial Magistrate Court, Gingee, Villupuram and came to know that C.C.No.742 of 2010 has been filed in respect of Crime No.

134 of 2010 and not in respect of Crime No.401 of 2009. Hence, the present petition.

3. Today, when the matter was taken up for consideration, learned Additional Public Prosecutor submitted that charge sheet was filed only in Crime No.134 of 2010, but, by oversight, in the earlier occasion, it was reported that charge sheet was filed in Crime No.401 of 2009. So far as the present case is concerned, it was already investigated by the respondent police and the same was referred as 'mistake of fact'. He has also produced a xerox copy of the referred charge sheet for the perusal of the Court.

4. Recording the submission made the learned Additional Public Prosecutor to the effect that the case in Crime No.401 of 2009 was investigated by the respondent police and the same was referred as 'mistake of fact', the criminal original petition is closed. However, the petitioner is at liberty to seek alternative remedy in the manner known to law, if he is so advised.
sbi

Sd/-
Assistant Registrar (Judicial)

/True Copy/

Sub-Assistant Registrar

To

1. The Sub Inspector of Police,
Avalur Pettai Police Station,
Villupuram District.

2. The Public Prosecutor,
High Court, Madras. सत्यमेव जयते

+1 C.C. To MR.R.Balakrishnan, Advocate in SR.NO.61721

Cr1.O.P.No.23466 of 2015

KK(CO)

sd : 11/12/2015

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