

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.24329 of 2015

P.Vanchinadhan .. Petitioner

Vs

- 1.The Superintendent of Police,
Villupuram District,
Villupuram.
- 2.The Sub-Inspector of Police,
Arakandanallur Police Station,
Villupuram District. ... Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., praying to direct the 2nd respondent to conduct further investigation in CC.No.234/2015 in Crime No.376/2014 pending on the file of the 2nd respondent police.

For Petitioner : Mr.H.Rajesj

For Respondents : Mr.C.Emalias
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the second respondent to conduct further investigation in C.C.No.234/2015 in Crime No.376/2014, pending on the file of the second respondent police.

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

3. It is seen that, initially a case in Crime No.376 of 2015, under Sections 341, 323, 324, 506(ii) IPC., was registered against three accused viz., Guru (A1), Srinivasan (A2) and Perumal (A3). During the course of investigation, the respondent Police filed a deletion report dated 27.10.2014, deleting Srinivasan (A2) from the array of accused. Thereafter, the respondent Police have filed the final report in C.C.No.234 of 2015 against Guru (A1) and Perumal (A3), leaving out Srinivasan (A2).

4. The defacto-complainant is before this Court, for a direction to the Police to conduct further investigation on the ground that, Srinivasan has been left out from the final report. When an accused, whose name in the FIR., has been left out from final report, liberty should be given to the defacto-complainant to file a protest application.

5. Under such circumstances, this Court gives liberty to the petitioner/defacto-complainant to file a protest application before the learned Judicial Magistrate, Thirukoilur in C.C.No.234 of 2015 and the learned Judicial Magistrate is directed to entertain the same and pass orders in accordance with law, laid down by the the Hon'ble Supreme Court in *Vinay Tyagi v. Irshad Ali* (2013 (5) SCC 762).

5. The petitioner/defacto-complainant shall file the protest application within one week from the date of receipt of a copy of this order and the learned Judicial Magistrate, Thirukoilur is directed to complete the enquiry on the protest application within four weeks, thereafter.

With the above directions, this Criminal Original Petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ds

To:

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

2.The Sub-Inspector of Police,
Arakandanallur Police Station,
Villupuram District.

3.The Public Prosecutor
High Court, Madras.

4. The Judicial Magistrate Thirukoilur.

+ 1 cc to M/s. H. Rajesh, Advocate Sr.5695

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RSK(CO)

En 27.10.15

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