

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2015

CORAM:

THE HON'BLE MR.JUSTICE R.SUBBIAH

Cr1.O.P.No.25956 of 2015

V.Ambiappan

... Petitioner

Vs.

The Inspector of Police,  
East Police Station,  
Tiruvanamalai,  
Tiruvanamalai District.

... Respondent

Prayer: Petition filed under Section 482 of the Criminal Procedure Code praying to direct the learned Judicial Magistrate No.II, Tiruvannamalai to include the name of the accused 2 to 4 mentioned in the FIR as accused 2 to 4 in C.C.no.457 of 2012 pending on the file of the learned Judicial Magistrate No.II, Tiruvannamalai.

For Petitioner : Mr.S.Sathish Rajan

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

ORDER

This Criminal Original Petition has been filed by the petitioner seeking to direct the learned Judicial Magistrate No.II, Tiruvannamalai to include the names of the accused 2 to 4 mentioned in the FIR, as accused 2 to 4 in C.C.No.457 of 2012 pending on his file.

2.In the affidavit filed in support of the petition, it has been stated by the petitioner that the petitioner is the founder and Managing Trustee of Trinity Educational Trust and Venkateswara Trust, which were formed for providing education to the poor and needy. The petitioner constructed a building in the land measuring to an extent of 0.57 cents in R.S.No.215/2B. The owners of the said land viz., one Mrs.Sulochana and her sons Mr.Venkatesan, Mr.Palani and Mr.Subash approached the petitioner and agreed to sell the land for a total sale consideration of Rs.12,50,000/-. The said Sulochana and her sons received a sum of Rs.5,75,000/-

from the petitioner on 01.07.2007, for which they issued a receipt in the presence of the witnesses acknowledging the payment. Thereafter, the petitioner paid a sum of Rs.4,25,000/- to the above said persons on 21.07.2007 in their house. The petitioner had kept ready the balance sale consideration of Rs.2,50,000/- and called upon the said Sulochana and her sons to execute the sale deed in favour of the Trust, after getting the balance sale consideration. But, the above said four accused persons failed and neglected to execute the sale deed and they wantonly and deliberately evaded to execute the sale deed in favour of the Trust of the petitioner, only with an intention to cheat and defraud the petitioner. Hence, the petitioner filed a complaint on 18.08.2011 with the respondent-Police against the said four persons. On the basis of the petitioner's complaint, a case in Crime No.1267 of 2011 was registered by the respondent-police under Section 420 IPC. After completion of investigation, the respondent-Police filed a charge-sheet only against the 1<sup>st</sup> accused Sulochana; and the other accused persons were not included in the charge-sheet. The charge-sheet filed by the respondent-Police was taken on file by the learned Judicial Magistrate No.II, Tiruvannamalai, in C.C.No.457 of 2012.

3.Now, it is the contention of the learned counsel for the petitioner that considering the averments made in the complaint, the respondent-police ought to have filed the charge-sheet as against all the four accused persons; but, instead of doing so, the respondent-police has filed the charge-sheet only as against the 1<sup>st</sup> accused. Thus, the learned counsel for the petitioner seeking a direction to include the accused 2 to 4 in the case in C.C.No.457 of 2012 pending on the file of the learned Judicial Magistrate No.II, Tiruvannamalai.

4.Heard the learned Additional Public Prosecutor also.

5.It is seen that after completion of investigation, a charge-sheet has been filed by the respondent-Police and the same has been taken on file in C.C.No.457 of 2012 on the file of the learned Judicial Magistrate No.II, Tiruvannamalai. At this stage, the petitioner prays for a direction to the learned Judicial Magistrate to include the other accused persons also in the charge-sheet. I am of the opinion that such a direction cannot be granted at this stage by this Court under Section 482 of Cr.P.C. However, the petitioner is at liberty to work out his remedy under Section 319 of Cr.P.C., before the Trial Court, during the course of trial.

With the above observation, the Criminal Original  
Petition is closed.

sd/  
ASSISTANT REGISTRAR (CS-VI)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

SSV

To,

1.The Judicial Magistrate No.II,  
Tiruvannamalai.

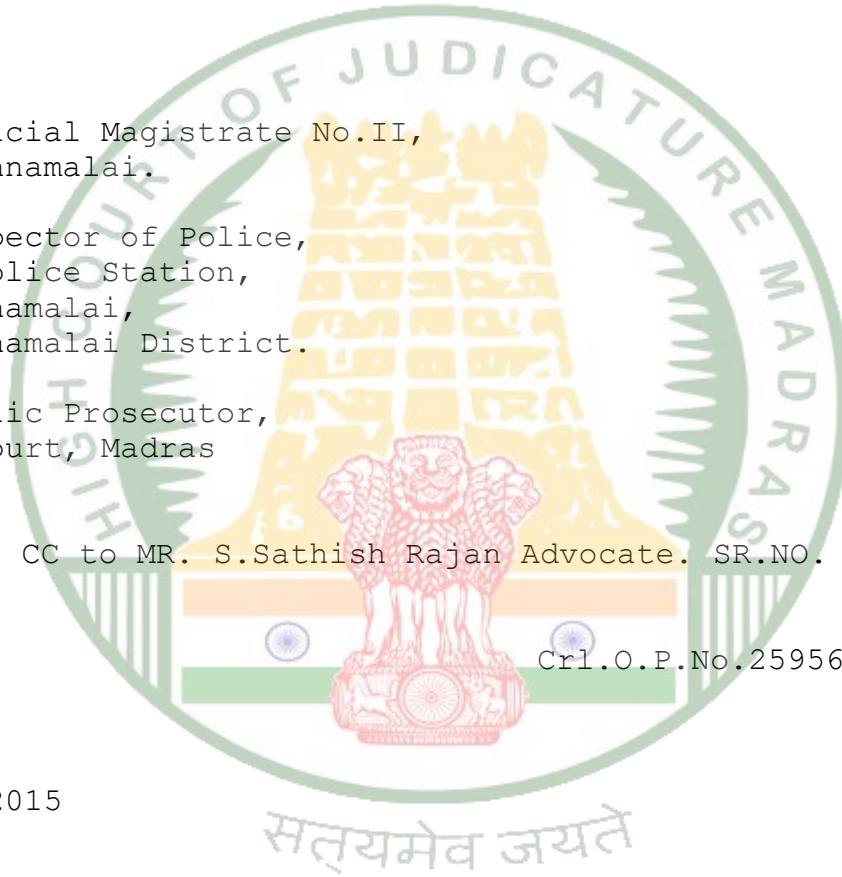
2.The Inspector of Police,  
East Police Station,  
Tiruvannamalai,  
Tiruvannamalai District.

3.The Public Prosecutor,  
High Court, Madras

+1 CC to MR. S.Sathish Rajan Advocate. SR.NO. 60263

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CO-KGK  
JD 25/11/2015



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