

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2015

CORAM:

THE HON'BLE MR.JUSTICE R.SUBBIAH

Cr1.O.P.No.26449 of 2015

N.Dinesh

... Petitioner

Vs.

State by:

The Inspector of Police,
Arakkonam Town Police Station,
Arakkonam,
Vellore District.
(Crime No.504 of 2015)

... Respondent

Prayer: Petition filed under Section 482 of the Criminal Procedure Code praying to direct the respondent-Police to include remaining three accused persons in Crime No.504 of 2015, which is pending investigation of the respondent-Police.

For Petitioner : Mr.M.Saravana Kumar

For Respondent : Mr.C.Emalias, APP (For R1)

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ORDER

This petition has been filed praying to direct the respondent-Police to include the remaining three accused persons in Crime No.504 of 2015 pending on the file of the respondent-Police.

2.In the petition it has been stated by the petitioner that the petitioner, who is aged 24 years, is working as a daily wager in a company at Ambattur, Chennai. On 02.10.2015, being a government holiday on the eve of Gandhi Jayanthi, he went to a temple viz., Arulmighu Perumal Temple situated at Chinnamozhur Village, Arakkonam Taluk. In the temple premises, the accused persons (four in number) were eating chicken briyani and when the same was questioned by the petitioner, the accused persons abused the petitioner in filthy language and assaulted the petitioner with iron rods and the petitioner sustained grievous head injury. The petitioner was hospitalized on 02.10.2015 and he underwent

surgery also. Hence, a complaint was lodged by the petitioner with the respondent-Police and the same was registered in Crime No.504 of 2015 under Sections 294(b), 324 and 506(ii) IPC. Now, it is the grievance of the petitioner that the complaint was registered only as against one accused viz., Rajkumar and not against the other three persons. Hence, the petitioner has come forward with the present petition seeking to direct the respondent-Police to include the remaining three persons in the case.

3.Heard both sides. The learned Additional Public Prosecutor submitted that the complaint was lodged by the petitioner as against only one person viz., Rajkumar and not against four persons.

4.Considering the facts and circumstances of the case, I am of the opinion that this Court cannot give such positive direction as sought for by the petitioner. However, during the course of investigation, if the respondent-Police finds the involvement of any other person in the alleged offence, Police can include him in the case as an accused.

With the above observation, the criminal original petition is disposed of.

sd/
ASSISTANT REGISTRAR(CS-II)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

SSV

To,

1.The Inspector of Police,
Arakkonam Town Police Station,
Arakkonam, Vellore District.

2.The Public Prosecutor,
High Court, Madras.

+1 CC to MR.M.Saravana Kumar Advocate. SR.NO. 60366

CrI.O.P.No.26449 of 2015

AR-II

JD 18/11/2015