

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

CrI.O.P.No.26920 of 2015

R.Chellapangi

... Petitioner

Vs

State of Tamil Nadu,
rep. by The Inspector of Police,
Virudhachalam Police Station,
Cuddalore District - 606 001.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent police, Virudhachalam Police Station, Cuddalore District - 606 001 to include the name of Sabitha as expired person in the altered FIR No.560 of 2015 dated 12.7.2015 and to implead one Muthamma, Suresh, Kolanchi and Pachamuthu as accused 2, 3, 4 and 5 in the altered FIR No.560 of 2015 dated 12.7.2015.

For Petitioner : Mr.N.Suresh

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 police to include the name of Sabitha as expired person and to implead one Muthamma, Suresh, Kolanchi and Pachamuthu as accused Nos.2, 3, 4 and 5 in the altered FIR No.560 of 2015 dated 12.7.2015.

2. In the petition, it has been stated that the petitioner's daughter Deivanai was given marriage to one Veeran and out of their wedlock, her daughter Deivanai gave birth to two children viz., Dinesh Kumar and Sabitha. Thereafter, the said Veeran had illegal relationship with his sister in law Kasthuri. While so, on 6.7.2015, the said Veeran had poured kerosene on her daughter Deivanai and grand daughter Sabitha and set fire, due to which, Deivanai and Sabitha had expired. Hence, the petitioner's son lodged a complaint with the respondent police and the same was registered in Crime No.560 of 2015 for the offence under Sections 294(b) and 307 I.P.C. and

the same was subsequently altered into one under Sections 294 (b), 307 and 302 I.P.C. However, in the altered F.I.R., the name of Sabitha, who had also expired in that accident, was not included. Hence, the petitioner approached the respondent to include the name of Sabitha as expired person and also to implead one Muthamma, Suresh, Kolanchi and Pachamuthu as accused Nos.2, 3, 4 and 5 in the altered FIR No.560 of 2015 dated 12.7.2015. Since the respondent police refused to do the same, she has filed the present petition for the reliefs stated above.

3. Today, when the matter was taken up for consideration, learned Additional Public Prosecutor submitted that after completion of investigation, charge sheet has been filed in this case and in the charge sheet, the name of Sabitha was shown as expired person. He has also produced a xerox copy of the charge sheet. Hence, the first prayer made by the petitioner has become infructuous.

4. So far as the second prayer is concerned, since charge sheet has been filed in this case, at this juncture, it is not appropriate to give any direction to the respondent police to implead one Muthamma, Suresh, Kolanchi and Pachamuthu as accused Nos.2, 3, 4 and 5 in the altered FIR No.560 of 2015. However, it is open to the trial Court to include their names at appropriate time during trial, if materials on record warrant so. Hence, the second prayer that has been made in the present petition cannot be granted.

5. In fine, the present criminal original petition is dismissed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

sbi
To

- 1.The Inspector of Police,
Virudhachalam Police Station,
Cuddalore District - 606 001.
- 2.The Public Prosecutor,
High Court, Madras.

+4 ccs to Mr.N.Suresh, Advocate, sr.60507, 62272

Cr1.O.P.No.26920 of 2015

sv co, kra 07.12.2015