

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE R.S.RAMANATHAN

Cr1.O.P.Nos.4023 and 4024 2015

N.Surendiran ...Petitioner in both the petitions.

Vs

1. State rep. By
The Chief Secretary to the Government,
Home Department,
Secretariat, St.George, Fort,
Chennai - 600 009
2. The Director General of Police,
Mylapore, Chennai - 600 004
3. The District Superintendent of Police,
Ariyalur, Ariyalur District
4. The Inspector of Police,
Ariyalur police Station, Ariylaur
5. Kamalakannan
The Sub-Inspector of Police,
Ariyalur Police station,
Ariyalur

...Respondents in both the

petitions

Prayer :- Criminal Original Petitions filed under Section 482 of Cr.P.C., to direct the 3rd respondent to take necessary action pertaining to the FIR No.551 of 2014 dated 17.12.2014 against the 1st accused Chinna Thambi in accordance with law. (Cr1.O.P.No.4023 of 2015)

Prayer (Criminal Original Petition filed under section 482 of Cr.P.C to direct the 4th respondent to further investigation in FIR NO.551/2014 DT 17/12/2014 in accordance with law. (Cr1.O.P.No.4024 of 2015)

For Petitioner : Mr.P.Murali

For Respondents : Mr.M.Maharaja
Additional Public Prosecutor

C O M M O N O R D E R

These petitions are filed by the defacto complainant directing the 3rd respondent to take necessary action relating to Crime No.551 of 2014 and to take further action in that crime number.

2.It is submitted by the learned counsel for the petitioner that though the case in Crime No.551 of 2014 was registered on the complaint given by the petitioner against Chinnathambi and four others for offences under sections 147, 294(b), 323, 354 and 506(i) of IPC, the person, who registered a case did not record the statement given by the petitioner and omitted to record certain vital aspects in the FIR. He further submitted that the respondents 4 and 5 did not take any interest to arrest all the accused and though the occurrence took place in a busy bus stand, no action was taken by the respondents 4 and 5 to examine any independent witness and obtain statement. Therefore, a suitable direction may be given to the 3rd respondent to take further action in Crime No.551 of 2014 on the file of the 4th respondent.

3.The learned Additional Public Prosecutor submitted that on the basis of the statement given by the petitioner, a case was registered in Crime No.551 of 2014 on the file of the Ariyalur Police Station against five accused and the first accused obtained anticipatory bail and other accused were arrested and remanded to custody and later they came out on bail. Further, investigation was conducted by examining the petitioner, his wife, daughter and brother-in-law and it is in the final stage and charge sheet will be filed shortly. He also submitted that there is no necessity for the investigation officer to alter any statement given by the petitioner. The statement given by the petitioner was recorded and according to the statement, offences are made out and therefore, there is no need for giving any direction. He also produced the case diary.

4.I have gone through the case diary and it is seen from the FIR that signature of the petitioner was obtained for having received the copy of the complaint. Therefore, the contention of the learned counsel for the petitioner that he was not informed

about the contents of the complaint and his signature was forged, cannot be considered at this stage. It is also seen from the records that the accused 2 to 5 were arrested and remanded and 1st accused obtained anticipatory bail, hence I do not find any reason to give any direction to the respondents 4 and 5 regarding further investigation.

5.Hence these petitions are dismissed and the respondents 4 and 5 are directed to file a final report in Crime No.551 of 2014 within a period of two months from the date of receipt of copy of this order.

Sd/-
Deputy Registrar (Judicial)

/true copy/

Sub Asst. Registrar

To

1. The Chief Secretary to the Government,
Home Department,
Secretariat, St.George, Fort,
Chennai - 600 009
2. The Director General of Police,
Mylapore, Chennai - 600 004
3. The District Superintendent of Police,
Ariyalur, Ariyalur District
4. The Inspector of Police,
Ariyalur police Station, Ariyalur
5. The Public Prosecutor,
High Court, Madras.

CrI.O.P.Nos.4023 and 4024 2015

MP (CO)
kk 11/3