



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2015

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Crl.O.P.(MD)No.13096 of 2014

and

M.P.(MD).No.1 of 2014

Asaithambi

... Petitioner

Vs.

1. Periya Muthuiah @ Muthian

2. Muthuiah @ Ananthan

3. State represented by its
Inspector of Police,
Vembakkottai Police Station,
Virudhunagar District.

... Respondents

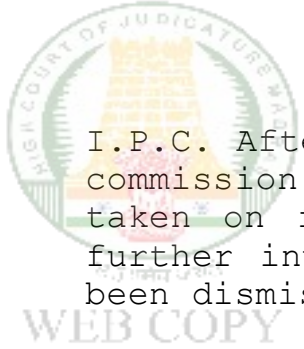
PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure to call for the records relating to the impugned order dated 20.06.2014 made in Crl.M.P.No.6478 of 2009 in C.C.No.205 of 2004 on the file of the learned Judicial Magistrate No.II, Sattur and set aside the same and consequently, allow the Criminal Original Petition.

For Petitioner : Mr.V.Muthuvelan
For R1 & R2 : No Appearance
For R3 : Mr.K.V.Rajarajan,
Government Advocate (Crl.side)

O R D E R

This Criminal Original Petition is preferred against the dismissal of Crl.M.P.No.6478 of 2009 in C.C.No.205 of 2004 on the file of Judicial Magistrate No.II, Sattur.

2. The petitioner/de-facto complainant had preferred a complaint informing that the vehicle purchased by him under hire purchase had been wrongfully taken away at the instance of the financier and the accused, in police uniform trespassed into the house of the de-facto complainant and acted wrongfully. The case was registered in Crime No.116 of 2004 on the file of the third respondent for the offences under Sections 447, 420 and 170 of



I.P.C. After completion of investigation, a charge sheet informing commission of offence under Section 170 I.P.C. has been filed and taken on file in C.C.No.205 of 2004. The petitioner has sought further investigation in CrI.M.P.No.6478 of 2009 and the same has been dismissed.

3. The learned counsel for the petitioner informs this Court that the accused have also committed an offence under Sections 447 and 420 I.P.C., and hence, further investigation is necessary.

4. On consideration, this Court is of the view that interest of justice would be met, if the present Criminal Original Petition is dismissed with the observation that in the course of trial, other offences are found to be attracted, it would be open to the trial Court to proceed in keeping with Section 216 Cr.P.C. This Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Per.Admn,)

/True Copy/

Sub-Assistant Registrar

To

1. The Judicial Magistrate No.II, Sattur.
2. The Inspector of Police, Vembakkottai Police Station, Virudhunagar District.
3. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.V.Muthuvelan, Advocate, in SR. No.704/15.

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