



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.11.2015

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

CRL.OP.(MD)No.21480 of 2015

Muthupandiyan : Petitioner/Defacto Complainant
Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Tirunelveli District.

2.The Inspector of Police,
Chokkampatti Police Station,
Tirunelveli District. : Respondents/Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to direct the 2nd respondent to include the accused persons namely Subash S/o.Madasamy, Perumalsamy S/o. Alagaiah, Subash S/o.Velusamy, Mossai S/o.Paulraj, Subash S/o.Arumugasamy and two others as accused persons in Crime No.212/2015 on the file of the respondent No.2 and file charge sheet in Crime No.212 of 2015 within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani
For Respondents : Mr.A.P.Balasubramani
Government Advocate(Crl. Side)

O R D E R

The petitioner has come forward with this petition seeking for a direction, directing the 2nd respondent to include the accused persons viz., Subash S/o.Madasamy, Perumalsamy S/o. Alagaiah, Subash S/o.Velusamy, Mossai S/o.Paulraj, Subash S/o.Arumugasamy and two others in Crime No.212/2015 and file charge sheet.

2. Mr.R.Alagumani, learned counsel appearing for the petitioner would submit that though the petitioner sustained serious injuries and admitted in the Government Hospital at Tenkasi, as inpatient, between 05.10.2015 to 09.11.2015, for the



reasons best known to the respondents, some of the accused persons, as mentioned above, have not been added as accused. Adding further, the learned counsel would submit that subsequent to the statement from the petitioner recorded in the hospital by the respondent police, a case has been registered in Crime No.215 of 2015, for the offences under Sections 294(b), 323 and 506(i) of IPC. Therefore, the learned counsel prayed for the relief as stated supra.

3. Mr.A.P.Balasubramani, learned Government Advocate (crl.side) appearing for the respondents, on instructions, would submit that the respondent police received the complaint only on 06.10.2015 and immediately an investigation has been conducted and they are awaiting for the wound certificate and depending upon the wound certificate, they are going to take further action and there is a possibility of alteration of the charges. He would further submit that the petitioner cannot as a matter of right invoke the powers of this Court to direct the respondents to include those persons in the charge sheet. Therefore, he prayed for dismissal of the Criminal Original Petition.

4. I have heard the learned counsel appearing on either side and perused the materials available on record.

5. Admittedly, the respondent police received the complaint only on 06.10.2015 and immediately thereafter, an investigation has been conducted and now they are awaiting for wound certificate. It is premature on the part of the petitioner to contend that the names of the persons mentioned supra will have to include as an accused in Crime No.212 of 2015. Hence, I am not inclined to grant the relief as sought for by the petitioner. It is open to the respondent to alter the charges, based on the wound certificate that is going to be received. If the petitioner has any grievance, it is open to him to work out his remedy in the manner known to law.

6. In the result, the Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar(T & P)

/True Copy/

Sub Assistant Registrar



To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Tirunelveli District.
- 2.The Inspector of Police,
Chokkampatti Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,3
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.R.ALAGUMANI,Advocate Sr.No. 65850

MPK

AA/NGM-SS/AR-I/26.11.2015/3p-5c

Order made in
CRL.OP.(MD)No.21480 of 2015
Dated:-16.11.2015