

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATE: 15.11.2016
CORAM:
THE HONOURABLE MR.JUSTICE P.N.PRAKASH
Criminal Original Petition No.23981 of 2016

A.Ramesh

... Petitioner

-Versus-

1.State by Rep.

The Inspector of Police (Law and Order),
E-3, Police Station,
[Formerly B-9 Police Station],
Saravanampatti,
Coimbatore.

2.The Commissioner of Police,
Police Commissionerate,
Huzur Road,
Coimbatore.

... Respondents

Prayer: This petition is filed under Section 482 Cr.P.C. praying to reopen the case in Crime No.634 of 2015 registered by the 1st respondent and order for fresh reinvestigation for bringing the real culprits viz., Sathishkumar, Son of Karuppanna Gounder, Ambiligai, Oddanchatram, Dindigul District and Durai @ Durai Nachimuthu, Son of Marimuthu, Ambiligai, Oddanchatram, Dindigul District in the above case.

For Petitioner : Mr.K.P.Chandrasekaran

For Respondents : Mr.C.Emalias, APP

ORDER

This original petition has been filed seeking to reopen the case in Crime No.634 of 2015 registered by the 1st respondent police and to order for reinvestigation so as to bring to book the real culprits.

2. For the sake of convenience, the parties in this proceedings will be referred to by their respective name.

3. Ramesh S/o.Augustine, the de facto complainant gave a complaint on 19.11.2014 based on which the 1st respondent police registered a case in Crime No.792 of 2014 for offences under Sections 448, 427 and 506(i) of IPC against (1)Sathish (2) Durai and an unknown person. It is the case of Ramesh that the accused Sathish and Durai had come to his house and had caused

damages to the window panes of his house on 19.11.2014 in the early hours. The investigation in the said case was completed by the police and charge sheet was also filed in C.C.No.4387 of 2015 before the learned Judicial Magistrate-II, Coimbatore, for offence under Section 448 and 427 of IPC against Sathish @ Santhoshkumar and Durai @ Durai Nachimuthu. It is stated that both the accused appeared before the court and pleaded guilty of charges. The learned Magistrate accordingly convicted and sentenced them to a fine of Rs.800/- each in default of fine to suffer simple imprisonment for a period of two weeks by judgement dated 10.12.105 and the accused have paid the fine amount.

4. Thereafter, one Indira W/o. Ramesh appears to have made a complaint based on which the case in Crime No.65 of 2015 was registered on 27.01.2015 for offence under Section 75(1)(i) of Tamil Nadu City Police Act

5. The learned counsel for the petitioner submitted that neither the wife of the petitioner nor the petitioner had given complaint which formed the basis of the registration of the case in Crime No.65 of 2015. He submitted that in the complaint which was registered in Crime No.792 of 2015, Ramesh had given complaint only against Sathish whereas the charge sheet was filed against Sathish @ Santhoshkumar and Durai @ Durai Nachimuthu.

6. This court does not find any infirmity or contradiction as submitted by the learned counsel for the petitioner. As regards Crime No.792 of 2014 during the course of investigation, police came to know about the alias name of Sathish and therefore, the police have mentioned his name as Sathish @ Santhoshkumar. The learned Magistrate had taken cognizance of offences in C.C.No.4387 of 2015. On the accused pleading guilty, the learned Magistrate convicted them for the charges and sentenced to fine of Rs.800/- each and the accused have paid the same.

7. As regards the case in Crime No.65 of 2015, it is for an independent cause of action and has nothing to do with the earlier incident which had taken place in the year 2014. If neither Ramesh nor his wife had given the complaint in Crime No.65 of 2015, they need not have any grievance at all. May be someone else by name Indira W/o. Ramesh would have given the complaint.

8. In view of the above, the question of reopening the case and ordering for reinvestigation as prayed for by the petitioner would not at all required and the original petition deserves only to be dismissed.

9. In the result, the criminal original petition is dismissed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

kmk

To

1.The Judicial Magistrate-II, Coimbatore,
Coimbatore District.

2.The Inspector of Police (Law and Order),
E-3, Police Station,
[Formerly B-9 Police Station], Saravanampatti,
Coimbatore.

3.The Commissioner of Police, Police Commisionerate,
Huzur Road, Coimbatore.

4.The Public Prosecutor High Court Madras

Crl.O.P.No.23981 of 2016

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