

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.4899 of 2016
and Crl.M.P.No.2575 of 2016

Ayyammal

.. Petitioner

vs.

The State by
Inspector of Police
Ethappur police station
Salem District.
Crime No.342 of 2003

... Respondent

Prayer:-Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the respondent to further investigate the case in Crime No.342 of 2003 on the file of the respondent and file additional charge sheet in S.C.No.381 of 2006 on the file of the Sub-Court, Attur.

For Petitioner :Mr.J.Kalidas

For Respondent :Mr.C.Emalias
Addl. Public Prosecutor

ORDER

This petition is filed for issuing a direction to the respondent to further investigate the case in Crime No.342 of 2003 on the file of the respondent and file additional charge sheet in S.C.No.381 of 2006 on the file of the Sub-Court, Attur.

2.Learned counsel for the petitioner submits that the alleged occurrence is said to have taken place on 29.06.2003, at about 10.00 a.m. and the complaint was lodged on the same day. On that basis, a case has been registered in Crime No.342 of 2003 for the offences under Sections 341, 324 and 307 I.P.C. After investigation, charge sheet has been filed in the year 2006, the case has been taken in P.R.C.No.28 of 2006 and now trial has been commenced in S.C.No.381 of 2006. He further submits that the petitioner has given a representation on 27.09.2012 to include one Revathi and Selvambal as accused, even though they were shown as witnesses in S.C.No.381 of 2006. The petitioner has also filed a petition before the Sub-Court,

Attur, for further investigation. Since the said Court returned the petition, she has come forward with this petition for reinvestigation.

3.Learned Additional Public Prosecutor submits that after due investigation, charge sheet has been filed and now the case has been posted for trial on 07.03.2016. He further submits that the petitioner has not co-operated for trial. Hence, he prayed for dismissal of this petition.

4.Considered the rival submissions made on both sides and perused the typed set of papers.

5.On perusal of the representation given by the petitioner, it reveals that each and every overt acts made by A1 to A3 have been stated and names of Revathi and Selvambal have been mentioned. Now the learned counsel for the petitioner submits that the said Revathi and Selvambal have been shown as witnesses in S.C.No.381 of 2006. But in the F.I.R., their names have not been mentioned. Under such circumstances, there is no necessity for further investigation. In my view, the petitioner has come forward with this petition only with a view to drag on the proceedings by taking vengeance against the said persons due to property dispute. Therefore, I do not find any reason for further investigation. The Criminal Original Petition is dismissed as devoid of merits.

6.In the result, the Criminal Original Petition stands dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

To

1.The Subordinate Judge,
Attur,
Salem District.

2.Inspector of Police,
Ethappur police station,
Salem District.

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3.The Public Prosecutor,
High Court,
Chennai.

CrI.O.P.No.4899 of 2016
and CrI.M.P.No.2575 of 2016

ev(CO)
srg(17/03/2016)



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