

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 30.03.2016****CORAM****WEB COPY****THE HONOURABLE MR.JUSTICE P.N.PRAKASH****Crl.OP(MD) No.3250 of 2016****and****Crl.M.P. (MD)No.1653 of 2016**

M.Ramasamy

..Petitioner/Defacto complainant

Vs

1.The State of Tamilnadu,
represented by its Secretary,
Home Department,
Secretariat, Chennai-600 009.

2.The Superintendent of Police,
Pudukkottai, Pudukkottai District.

3.The Inspector of Police,
Nakudi Police Station,
Aranthangi Taluk, Pudukkottai District

. . . Respondents/Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the second respondent to re-investigate the criminal case in C.C.No.161 of 2013 dated 04.07.2013 in Crime No.130 of 2012 dated 27.12.2012 on the file of the Judicial Magistrate Court, Aranthangi with the competent officer and further directed to file the charge sheet against all the accused persons within the stipulated time as fixed by this Court.

For Petitioner : Mr.R.Rajaraman

For Respondents : Mr.K.V.Rajarajan
Government Advocate(Crl.Side)

O R D E R

This petition has been filed to direct the second respondent to re-investigate the criminal case in C.C.No.161 of 2013 dated 04.07.2013 in Crime No.130 of 2012 dated 27.12.2012 on the file of the Judicial Magistrate Court, Aranthangi with the competent officer and further directed to file the charge sheet against all the accused persons within the stipulated time as fixed by this Court.



2. Heard the learned Counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the State.

3. On the complaint given by Ramasamy, the respondent police registered a case in Cr.No.130 of 2012 on 27.12.2012 for offences under Sections 147, 342, 323, 427, 378(NP) and 506(ii) I.P.C. against one Selvakumar and 9 others. On the complaint given by Selvakumar, the respondent police have registered Cr.No.129 of 2012 on 26.12.2012 for offences under Sections 147, 294(b), 323, 427 and 506(ii) I.P.C. against this petitioner and 11 others. Thus this is the case and counter. The investigation in Cr.No.129 of 2012 has been completed and final report has been filed in S.T.C.No.442 of 2013 before the learned Judicial Magistrate, Aranthangi. Similarly the investigation in Cr.No.130 of 2012 has been completed and final report has been filed in C.C.No.161 of 2013 before the learned Judicial Magistrate, Aranthangi. Under such circumstances, Ramasamy has approached this Court for a direction to conduct re-investigation in C.C.No.161 of 2013 by alleging that the investigation is perfunctory.

4. This Court carefully perused the final report and the accompanying documents in C.C.No.161 of 2013. It is seen that Ramasamy was assaulted by the accused on 26.12.2012 in which he sustained simple injuries. It is also alleged that the accused had damaged the vehicle bearing Registration No.TN-59-AA-669 and caused loss to the tune of Rs.8,300/-. The medical report shows that the injury sustained by Ramasamy is simple injury.

5. It is contended by the learned Counsel for the petitioner that the defaacto complainant Ramasamy was admitted as inpatient.

6. On a careful perusal of the final report and the accompanying documents, this Court is of the opinion that this is not a fit case to order re-investigation. It is settled law that if higher offences gets disclosed, it is open to the trial Court to alter charges accordingly. Similarly even new accused can be added under Section 319 Cr.P.C.

7. With the above observations, this Criminal Original Petition is closed. Consequently, the connected Miscellaneous Petition is also closed.

Sd/
Assistant Registrar

/True Copy/

Sub Assistant Registrar/



To

1. The Secretary,
The State of Tamilnadu,
Home Department,
Secretariat, Chennai-600 009.
2. The Superintendent of Police,
Pudukkottai, Pudukkottai District.
3. The Inspector of Police,
Nakudi Police Station,
Aranthangi Taluk, Pudukkottai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

SDR:SKS-RR:15.04.2016:3P/5C

Cr1.OP (MD) No.3250 of 2016
30.03.2016