

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2017

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.2059 of 2017

S.Vijayalakshmi

.. Petitioner

Vs

The State rep.by
The Inspector of Police,
Special Investigation Cell,
Vigilance and Anti-Corruption,
NCB No.21, Greenways Road,
Raja Annamalaipuram,
Chennai - 600 028.

.. Respondent

Petition filed under Section 482 of the Criminal Procedure Code, to direct the respondent to array (i) Vijayraj H.Jain, (ii) Madhanlal H.Jain, (iii) Mrs.Anitha Devi and (iv) Rajendran, the Sub-Inspector of Police as accused as have been already arraigned on 18.07.2014 the date on which the case in Cr.No.4/2014 was registered by the respondent police for offences under section 448, 384 and 506 IPC and 109 IPC, 13(2) r/w 13(1)(b) of the Prevention of Corruption Act, 1988.

For Petitioner : Mr.K.Kannan

For Respondent : Mr.E.Raja

Additional Public Prosecutor

O R D E R

This petition has been filed for a direction to the respondent to implead one Vijayraj H.Jain, Madhanlal H.Jain, Anitha Devi and Rajendran as an accused in the charge sheet.

2. It is the contention of the learned counsel for the petitioner that the above said persons are arrayed as accused in the First Information Report. Whereas, the charge sheet has been filed only as against the petitioner and another accused. Hence, the learned counsel for the petitioner prayed for a direction to the respondent police to include the above referred

persons as accused in the charge sheet.

3. It is the domain of the investigation agency to collect the materials and lay charge sheet as against the persons, against whom prima facie materials are available. Even if the contention of the learned counsel for the petitioner is taken into consideration that the respondent police has purposely omitted to include the above said persons as accused, it is always open to the petitioner to file a protest petition before the jurisdictional Court where the charge sheet is filed to establish his stand. It is the domain of the trial Court to look into the materials properly and take cognizance of the offence against any persons on the basis of the materials collected and filed by the prosecution, even though, the persons are not added as an accused. When such a remedy is always available under law, this Court cannot interfere with the domain of the investigating officer and hence, this petition is liable to be dismissed.

4. Accordingly, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vrc

To

1. The Inspector of Police,
Special Investigation Cell,
Vigilance and Anti-Corruption,
NCB No.21, Greenways Road,
Raja Annamalaipuram,
Chennai - 600 028.
2. The Public Prosecutor,
High Court, Chennai 104.

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