

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.11.2017

CORAM

THE HONOURABLE Mr.JUSTICE M.S.RAMESH

Crl.O.P.No.5733 of 2017

P.Sabapathi

... Petitioner

Vs

The Inspector of Police,
Tirupur (Rural) Police Station,
Tirupur District.

... Respondent

Prayer :- Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent to conduct further investigation in F.I.R.No.486 of 2016 on the file of the respondent and to alter the Section as Section 3 of PDPP Act and include the witnesses 1. Senthil 2. Kesavan in the witness list and file the final report within the time stipulated by this Court.

For Petitioner : Mr.S.Sugendran

For Respondent : Mr.C.Iyyapparaj
Additional Public Prosecutor.

ORDER

The present petition has been filed to direct the respondent to conduct further investigation in F.I.R.No.486 of 2016 on the file of the respondent and to alter the Section as Section 3 of PDPP Act and include the witnesses 1. Senthil 2. Kesavan in the witness list and file the final report within the stipulated time.

2. Since the petitioner's prayer is for further investigation for the purpose of bring the two other persons namely Senthil and Kesavan as accused, the learned Additional Public Prosecutor was directed to get instruction on the same.

3. Today, when the matter was called, the learned Additional Public Prosecutor on instructions submitted that after proper and thorough investigation, a final report in

F.I.R.No.486 of 2016 has been filed on 12.11.2017. He further submitted that on the overt act against these two persons was also investigated and on such investigation, it is found that these two persons, in the opinion of the Investigating Officer, are not proper persons to be arrayed as accused. It is further view of the Investigating Officer that from the material evidence available before him, the provisions of PDPP Act has not been made out.

4. In view of the same, it would not be appropriate for this Court to direct the Investigating Officer to have further investigation on this matter. Hence, the criminal original petition stands dismissed. It is needles to mention that it is always open to the petitioner to invoke the provision under Section 390 of Cr.P.C. during the course of trial.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

rts

To

1. The Inspector of Police,
Tirupur (Rural) Police Station,
Tirupur District.
2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Ramesh, Advocate SR.No.84607

Cr1.O.P.No.5733 of 2017

LRS (CO)
GN(11/12/2017)

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