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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 21.06.2017
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THE HONOURABLE MR. JUSTICE P.N. PRAKASH

CRL.O.P. (MD) No.2777 of 2017

and Crl.M.P.No.2115/2017

Sivasubramani

: Petitioner

Vs.

1. The Superintendent of Police,
Karur District, Karur.
2. The Sub Inspector of Police,
Velayuthampalayam Police Station,
Karur District
Crime No.276 of 2015
3. The Inspector of Police
CBCID, Madurai Unit,
Madurai.

: Respondents

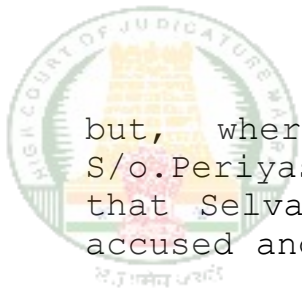
Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to set aside the final report in C.C.No.107 of 2016 on the file of the Judicial Magistrate, No.II, Karur and further direct the respondents to reinvestigate and to file the final report afresh at the earliest.

For Petitioner	: Mr.S.Gokulraj
For Respondents	: Mr.K.Anbarasan
	Government Advocate (Crl. side)

O R D E R

On the complaint lodged by Sivasubramani, the Sub Inspector of Police, Velayuthampalayam registered a case in Crime No.276/2015 on 08.07.2015 under Sections 294(b), 324, 506(ii) IPC against Sakthivel (A1), Manikandan, (A2), Selvan (A3) and Palaniammal (A4). Even in the complaint given by Sivasubramani, which formed the basis for the FIR, he has clearly stated that he was assaulted by Selvan, S/o.Thangavel. The investigation of this case was taken over by one Seetharaman, Sub Inspector of Police, who completed the investigation and filed the chargesheet in C.C.No.107/2016 before the Judicial Magistrate, No.II, Karur against Sakthivel, S/o.Sukran, Manikandan S/o.Vembadi, Selvaraj @ Selvan, S/o.Periyasamy (A3) and Palaniammal, W/o.Sakthivel(A4).

2. Sivasubramani, the de-facto complainant has filed the present application for reinvestigation alleging that in the FIR given by him, he has clearly implicated, Selvan, S/o.Thangavel,



but, whereas the police have made one Selvaraj @ Selvan, S/o.Periyasamy as accused. In other words, it is his contention that Selvaraj @ Selvan (A3) in C.C.No.107/2016 is not the true accused and that Selvan, S/o.Thangavel is the true accused.

3. This Court entertained suspicion and therefore, this Court directed Mr.K.Muralidharan, Deputy Superintendent of Police, Anti Land Grabbing Cell, Karur to conduct further investigation in this case and to file his status report before this Court.

4. Mr.K.Muralidharan, Deputy Superintendent of Police, is present before this Court today and he has filed the status report, wherein, it is stated as follows:

"4.I humbly submitted that as per order of the Hon'ble Court, I have conducted a detailed enquiry after perusing the case diary in Crime No.276/2015 and further I enquired the petitioner namely Sivasubramani, S/o.Mariappan and one Sivagami, D/o.Mariappan who is the sister of the Defacto complainant/petitioner. I have also enquired one Umarani, W/o.Muniappan, Natesan, S/o.Perumal and Mariyaye, W/o.Natesan and recorded their statements in a detailed manner. The perusal of the case diary and the statements of the above said persons revealed that the Sub Inspector of Police namely, Tr.Seetharaman had arrested the accused No.3 namely Selvaraj @ Selvan, S/o.Periyasamy wrongly. The actual accused involved in the case is one Selvan, S/o.Thangavel. My enquiry confirms this.

5.I further submit that after the completion of my enquiry, I have prepared a detailed report in C.No.363/SDO/Karur Rural/2017 dated 06.06.2017 and forwarded the same to the 1st respondent, the Superintendent of Police, Karur District herein on 06.06.2017. I completed the enquiry by following the due process of law and sent the report based on the evidences and statement of witnesses collected in Crime No.276/2015. In the conclusion, the Sub Inspector of Police namely Tr.Seetharaman wrongly arrested the accused Selvaraj @ Selvan, S/o.Periyasamy who is ranked as accused No.3 instead of Selvan, son of Thangavel. Hence I file this status report as per the order of this Hon'ble Court."

5. From a reading of the status report, it is clear that the Sub Inspector of Police has filed chargesheet against a wrong person, namely, Selvaraj @ Selvan, S/o.Periyasamy instead of Selvan, S/o.Thangavel, which has been unearthed by Mr.K.Muralidharan, Deputy Superintendent of Police.



6. This Court places on record its appreciation to Mr.Muralidharan, for conducting fair and unbiased investigation in aid of justice. The appreciation of this Court shall be entered in his Service Record.

7. In view of the above, this Court directs Mr.K.Muralidharan, Deputy Superintendent of Police, to proceed with the investigation and file a supplementary chargesheet in C.C.No.107/2016 in accordance with law. Until filing of the supplementary chargesheet, all further proceedings in C.C.No.107/2016 before the Judicial Magistrate, No.II, Karur shall stand stayed. On filing of supplementary chargesheet, the learned Judicial Magistrate, NO.II, Karur, shall proceed with the case in accordance with law.

8. With the above observation and direction, this petition is disposed of. Consequently connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate, No.II
Karur.
2. The Chief Judicial Magistrate, Karur.
3. The Superintendent of Police,
Karur District, Karur.
4. The Sub Inspector of Police,
Velayuthampalayam Police Station,
Karur District
Crime No.276 of 2015
5. The Inspector of Police
CBCID, Madurai Unit,
Madurai.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.GOKULRAJ, Advocate, SR No. 61262.

RR

PSM/MR-KKR/SAR1/06.07.2017/3P/8C

Order made in
CRL.O.P.(MD)No.2777 of 2017
and Crl.M.P.No.2115/2017
21.06.2017