



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2018

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.OP.No.2917 of 2016

R.Kaliaperumal ...Petitioner/De-facto complainant
Vs.

1. State : Rep by
The Inspector of Police,
Vadalore Police Station,
Vadalore, Cuddalore District.

2. State : Rep. By
The Sub-Inspector of Police,
Vadalore Police Station,
Vadalore, Cuddalore District.

3. S.Gopi

4. P.Raja ...Respondents/Accused

Prayer : Criminal Original Petition filed under Section 482 Cr.P.C to direct the first respondent to conduct further investigation in Cr.No.291/2014, and implicate Murugan Prop. of PPS Murugan Agency in the above case as an accused and proceed in accordance with law.

For Petitioner:Mr.K.Kannan

For R1 & R2 :Mr.C.Raghavan
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed seeking for a further investigation in Crime No.291 of 2014.

2. The grievance of the petitioner is that he went to the petrol bunk in order to put petrol in his two wheeler on 18.08.2014. At that time, a welding work was going on, at the top of the petrol bunk. When the petrol was poured into the two wheeler belonging to the petitioner, suddenly, a fire spark came in contact with the petrol and the fire spread all over the body of the petitioner. Due to which, he sustained 60% burn injuries.



3. Based on the complaint given by the petitioner, the second respondent police registered an FIR in Crime No.291 of 2014 for the offences under Sections 285 and 338 IPC. Only the employees of the petrol bunk were made as an accused. A final report has been filed in this case, only as against the employees and the same has been taken on file in C.C.No.296 of 2014, before the learned Judicial Magistrate - III, Cuddalore.

4. The learned counsel for the petitioner would submit that the respondent police have intentionally let out the owner of the petrol bunk and he ought to have been made as an accused in this case.

5. This Court is of the considered view that no useful purpose will be served by ordering for a further investigation at this stage. The witnesses can always speak about the incident, during the course of trial. If during the course of trial, sufficient materials are placed before the Court, implicating the owner of the petrol bunk, the Court below has sufficient powers under Section 319 of Cr.P.C, to add any person as an accused. Therefore, if the Court below is able to find materials against the owner of the petrol bunk in the course of enquiry or trial, by virtue of evidence given by the witnesses, the Court can always add the concerned person as an accused and proceed further against him in accordance with law.

6. With the above direction, this Criminal Original Petition is disposed of.

msrm/raja

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police,
Vadalore Police Station,
Vadalore, Cuddalore District.
2. The Sub-Inspector of Police,
Vadalore Police Station,
Vadalore, Cuddalore District.
3. The Public Prosecutor
High Court, madras.
Madras.



4. The Judicial Magistrate No.III,
Cuddalore.

+1cc to Mr.K.Kannan, Advocate, S.R.No.81002

Cr1.OP.No.2917 of 2016

nmi (co)
kak (21/12/2018)