

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2019

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

CrI.O.P.No.16365 of 2019
and CrI.M.P.No.8199 of 2019

D.Saravanan

... Petitioner

Vs.

1. The Superintendent of Police,
Thiruvallur District,
Thiruvallur.
 2. The Deputy Superintendent of Police,
Poonamalle Sub-Division,
Thiruvallur District.
 3. State rep. by its
The Inspector of Police,
B-7, Vellavedu Police Station,
Thiruvallur District.
- ... Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in CC.No.180 of 2017 on the file of Judicial Magistrate-II, Poonamallee and direct the 1st respondent to further investigation of the case in Crime No.42 of 2016 on the file of Inspector of Police, B-7, Vellvedu Police Station, Thiruvallur District through any other competent officer subordinate to him.

For Petitioner : Mr.Mohammed Raffi

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This petition has been filed seeking for a direction to the respondent police to further investigate the case in Crime No.42 of 2016.

2. It is seen from the records that, already investigation has been completed and the final report has been filed before the Judicial Magistrate-II, Poonamallee and the same has been taken on file in C.C.No.180 of 2017.

3. The grievance of the petitioner is that, apart from the accused persons shown in the final report, there are other accused persons who are involved in this case and their names are not added in the final report. The learned counsel for the petitioner submitted that since cognizance has already been taken by the Court below, the petitioner has approached this Court seeking for further investigation.

4. The learned Additional Public Prosecutor submitted that the final report was filed based on the materials that were collected in the course of investigation and therefore, there is no scope for any further investigation in this case at this stage.

5. This Court has carefully considered the submissions made on either side and also the materials available on record.

6. The only grievance expressed by the petitioner is that there are other accused persons who are involved in the commission of the offence and their names have not been shown in the final report by the respondent police.

7. This grievance can be taken care by the Court below in exercise of its jurisdiction under Section 319 of Cr.P.C. and it does not require a further investigation. The petitioner as a defacto complainant, will be examined as a witness before the Court below and based on the statement made by the petitioner, the Court below can take a decision with regard to adding the accused persons, strictly in accordance with Section 319 of Cr.P.C.

8. This Criminal Original Petition is disposed of with the above observations. Consequently, connected miscellaneous petition is closed.

Sd/-
Deputy Registrar (CJ Conf.,)

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Sub Assistant Registrar

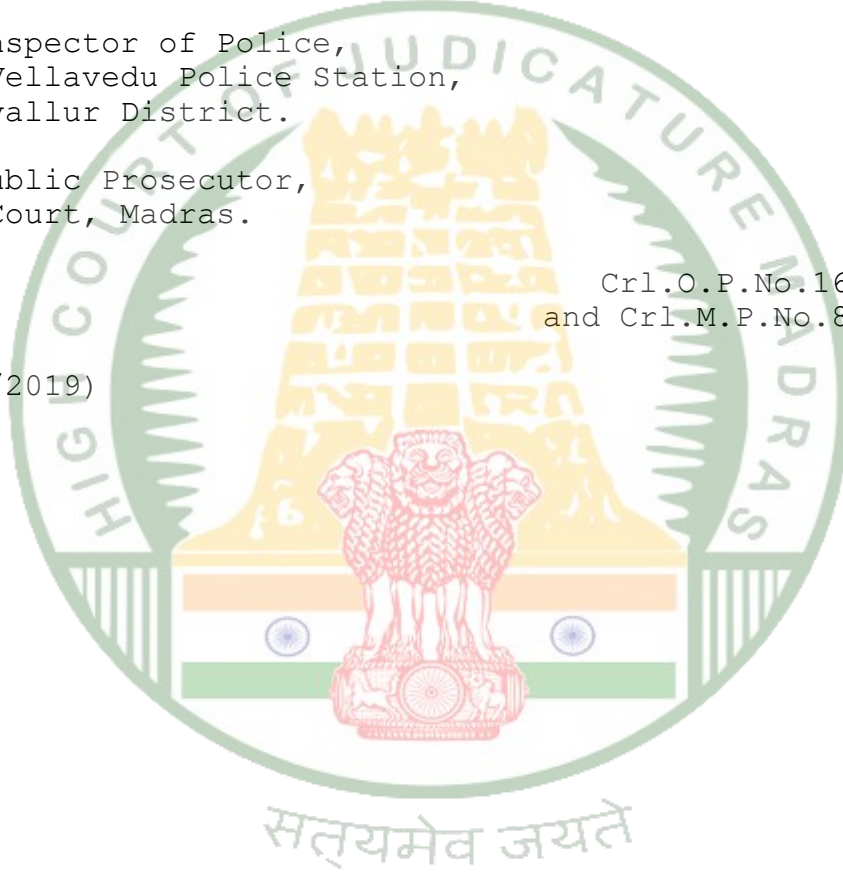
ssr

To

- 1 The Judicial Magistrate-II, Poonamallee.
2. The Superintendent of Police,
Thiruvallur District,
Thiruvallur.
3. The Deputy Superintendent of Police,
Poonamalle Sub-Division,
Thiruvallur District.
4. The Inspector of Police,
B-7, Vellavedu Police Station,
Thiruvallur District.
5. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.16365 of 2019
and Crl.M.P.No.8199 of 2019

AD(CO)
SSM(12/09/2019)



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