

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2019

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

Cr1.O.P.No.22291 of 2019

R.Nataraj

... Petitioner

Vs.

The State rep. by,
The Inspector of Police,
District Crime Branch,
Tiruppur District.
(Crime No.59 of 2014)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct respondent to file an application under Section 173(8) of Cr.P.C. before Judicial Magistrate at Avinashi in C.C.No.61 of 2016 of conducting further investigation of case in Crime Number.59 of 2014 on the file of respondent police.

For Petitioner : Mr.K.Myilsamy

For Respondent : Mr.C.Iyapparaj
Additional Public Prosecutor

O R D E R

The prayer sought for by the petitioner herein is for a direction to the respondent to file an application under Section 173(8) of Cr.P.C. for the purpose of conducting further investigation in Crime No.59 of 2014 which has culminate in to framing of charges and taken on file in C.C.No.61 of 2016 by the learned Judicial Magistrate Avinashi. When Section 319 of Cr.P.C. empowers the Court as well as the defacto complainant to seek for such a relief for the purpose of proceeding against the persons, who are not the accused and who may seen to have committed any offence, this Court may not be justified in allowing the present prayer calling upon the police to file an application under Section 173(8) of Cr.P.C. Nevertheless, if the petition is granted such a liberty, which is always available to them, the ends of justice would be secured.

2.In the light of the above observations, this criminal original petition stands closed with liberty to the petitioner to file an appropriate application under Section 319 of Cr.P.C. before the trial Court at the appropriate stage. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssr/bkn

To

1. The Judicial Magistrate,
Avinashi.
- 2.-Do- Thro The Chief Judicial Magistrate,
Tiruppur.
3. The Inspector of Police,
District Crime Branch,
Tiruppur District.
4. The Public Prosecutor,
High Court of Madras, Chennai.

+1cc to Mr.K.Myilsamy, Advocate Sr.79771

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kk[co]
srg 15/10/2019

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