



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2019

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P (MD) No.12697 of 2018

and

Crl.M.P.(MD) No.5772 of 2018

K.Raghu

... Petitioner/Defacto Complainant

Vs

The Inspector of Police,
Thillai Nagar Police Station,
Thillai Nagar,
Trichy District.
(Crime No.50 of 2015)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records and set aside the Final report filed in C.C.No.102 of 2017 on the file of the Judicial Magistrate No.1, Trichy and direct the respondent to further investigate the case in crime No.50 of 2015 and file a fresh charge sheet.

For Petitioners : Mr.N.Anand Kumar

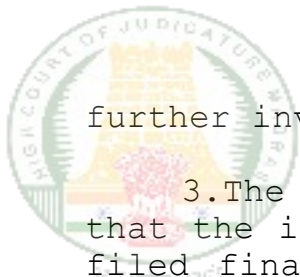
For Respondents : Mr.K.Suyambulinga Bharathi,
G.A. (Crl. Side)

O R D E R

This petition has been filed to set aside the Final report filed in C.C.No.102 of 2017 on the file of the Judicial Magistrate No.1, Trichy and direct the respondent to further investigate the case in crime No.50 of 2015 and file a fresh charge sheet.

2. The learned counsel appearing for the petitioner would submit that the petitioner is a defacto complainant and on the basis of his complaint, a crime has been registered in crime No.50 of 2015 for the offences under Sections 294(b) and 506(i) of I.P.C. and the respondent voluntarily left out the main accused persons in this case and completed the investigation and also filed the final report. Now, the same has also been taken cognizance in C.C.No.102 of 2017 on the file of the Judicial Magistrate No.1, Trichy.

<https://hcservices.courts.gov.in/hcservices/> Therefore, he wants to set aside the entire charge sheet and seeking



further investigation in the crime.

3.The learned Government Advocate (criminal side) submitted that the investigation has been completed and the respondent police filed final report and the same has been taken cognizance by the learned Judicial Magistrate and hence, he prayed for dismissal of the application.

4.Considering the said submission, this Court is of the view that the charge sheet cannot be quashed only on the ground that some of the accused have been left out by the respondent. Accordingly, the criminal original petition is liable to be dismissed.

5.Accordingly, this criminal original petition is dismissed. However, the petitioner is at liberty to invoke the provision under Section 319 of Cr.P.C., before the trial Court to add the proposed accused persons, if there is any incriminating evidence as against them during the trial. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

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Sub Assistant Registrar(CS)

Arul

To

1.The Inspector of Police,
Thillai Nagar Police Station,
Thillai Nagar, Trichy District.

2.The Judicial Magistrate No.1, Trichy.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.N.ANANDA KUMAR, Advocate (SR-88234[F] dated 20/09/2019

Order made in
CRL.O.P (MD) No.12697 of 2018
18.09.2019

JMN(09.10.2019) 2P : 5C