



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P. (MD) .No.11817 of 2017

Veluchamy

... Petitioner/ De facto
Complainant

Vs.

- 1) The Superintendent of Police,
Dindigul District,
Dindigul.
- 2) The Inspector of Police,
Ottanchathiram Police Station,
Dindigul District
(Crime No.221 of 2014)
- 3) The Inspector of Police,
CBCID,
No.62, Krishnarao Street,
Pandian Nagar,
Dindigul 624 001

... Respondents/ Complainants

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C. to direct the 1st respondent to withdraw the investigation on the file of the 2nd respondent and entrust the same to the 3rd respondent and direct the 3rd respondent to file additional final report in C.C.No.64 of 2016 on the file of the Judicial Magistrate, Ottanchanthiram.

For Petitioner : Mr.S.Karthick Subramanian

For Respondents : Mr.K.Dinesh Babu,
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking for withdrawing the investigation which is pending on the file of the second respondent police and to transfer the same to some other agency.



Sections 195 & 211 of Cr.P.C. and Sections 9 & 10 of Prohibition of Child Marriage Act, 2006.

3. After the completion of the investigation, the final report was also filed before the learned Judicial Magistrate, Ottanchanthiram. In the said final report, only seven(07) accused persons have been shown as accused and all of them have been shown as 'absconding accused'.

4. The grievance of the petitioner is that there are totally thirteen (13) accused persons in this case and all their names are shown in the F.I.R. and that the respondent police has illegally dropped the names of six (06) accused persons in the final report.

5. The learned counsel for the petitioner submitted that there are sufficient materials available as against the six(06) accused persons whose names were dropped by the respondent police in the final report.

6. The learned Additional Public Prosecutor appearing for the official respondents submitted that, charges were framed against all the accused persons. The case is now at the stage of trial and there is a warrant pending against A3 to A7.

7. In view of the above, this Court is not inclined to order for the further investigation in this case. If during the course of the trial, sufficient materials are collected against the accused persons, whose names were dropped in the final report, their names can always be added as accused by the Court below in exercise of its powers under Section 319 of Cr.P.C. For this purpose, there is no requirement for a further investigation at this stage.

8. This Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.64 of 2016 within a period of four(04) months from the date of receipt of a copy of this order.

9. Steps shall be taken to immediately secure the Accused 3 to 7 and if they do not cooperate for the trial, the bail bond shall be cancelled and they shall be remanded to judicial custody till the completion of the proceedings.

Sd/-

Assistant Registrar(Crl Side)

// True Copy //

Sub Assistant Registrar(CS)



To

- 1) The Judicial Magistrate,
Ottamchathiram.
- 2) The Superintendent of Police,
Dindigul District, Dindigul.
- 3) The Inspector of Police,
Ottanchathiram Police Station,
Dindigul District (Crime No.221 of 2014)
- 4) The Inspector of Police,
CBCID, No.62, Krishnarao Street,
Pandian Nagar, Dindigul 624 001
- 5) The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC TO MR.S.KARTHICK SUBRAMANIAN, Advocate Sr. No. 89010

Order made in
Crl.O.P. (MD) .No.11817 of 2017

PK (CO)

TR(10.10.2019) 3P 7C