



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P. (MD) Nos.15687 & 16196 of 2017

and

Crl.M.P. (MD) Nos.10422 & 10745 of 2017

1. N.Rajeshwari ... Petitioner/10th Accused in
Crl.P.(MD) No.15687 of 2017
 2. K.Paulsamy
 3. V.Madasamy
 4. Gangadevi
 5. K.Muthukumar
 6. C.Muthumala
 7. K.Thangapazham
 8. Karuppaiah
 9. C.Lenaprinice
 10. C.Paullingam
 11. Koodalingam ... Petitioners/ Accused Nos.3 to 9
11 to 13 in Crl.O.P. (MD)
No.16196 of 2017
- Vs.
- 1) State Rep. by
The Inspector of Police,
District Crime Branch,
Tirunelveli
(Crime No.19/16) ... 1st Respondent/ Respondent in
both Crl.O.P.'s
 - 2) Muniyandi ... 2nd Respondent/ De facto
Complainant in both Crl.O.P's



COMMON PRAYER: Criminal Original Petitions filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to Crime No.19 of 2016 on the file of the 1st respondent and quash the same as against this petitioners'.

In both the cases:

For Petitioners: Mr.A.Sivasubramanian

For R-1 : Mr.M.Chandrasekaran,
Additional Public Prosecutor

For R-2 : No Appearance

C O M M O N O R D E R

Since the issue involved in both the cases are one and the same, they are disposed of by this common order.

2. The learned counsel for the petitioners submitted that some of the petitioners in this case are victims in the hands of A-1 and A-2. The learned counsel brought to the notice of this Court the complaint that was given by the petitioner in Crl.O.P.No. 15687 of 2017 against A-2 in this regard. The learned counsel submitted that many of the petitioners herein, who are victims, can be made as a witness in this case. Therefore, the learned counsel submitted that the respondent police may be directed to examine the petitioners and if it is found that they are also victims, they can also be shown as witnesses in this case at the time of filing of the final report.

3. The learned Additional Public Prosecutor submitted that the respondent police will take the statement of the petitioners and if on investigation, it is found that they are victims, appropriate decision will be taken by the police to make them as witnesses in this case.

4. The contentions put forth by the learned counsel appearing on behalf of the petitioners are purely factual in nature and this Court cannot venture into conducting a mini investigation into the matter and it therefore, does not fall within the ambit of its jurisdiction under Section 482 of Cr.P.C. Any finding on facts will also have a bearing on the investigation conducted by the respondent Police.

5. In the facts and circumstances of the case, this Court is not inclined to interfere with the investigation conducted by the respondent Police at this stage.



6. In the result, these Criminal Original Petitions are dismissed and the respondent Police is directed to proceed further with the investigation in accordance with law and complete the investigation and file a final report or a closure report, as the case may be, within a period of three(3) months from the date of receipt of a copy of the order. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

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To

1. The Inspector of Police,
District Crime Branch,
Tirunelveli
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Common Order made in
Crl.O.P. (MD) Nos.15687 & 16196 of 2017
29.11.2019

_KM/ (06.01.2020) 3P 3C