

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2020

CORAM

THE HON'BLE Mr. JUSTICE P.N. PRAKASH

Crl.O.P.No.9305 of 2018
and Crl.MP.No.4801 of 2018

Arumugam
complainant ... Petitioner/ Defacto

Vs.

1.The State,
Rep by the Station House Officer
Vanur Police Station
Villupuram District.
(Crime No.89 of 2018) ... 1st respondent /
Complainant

2.Thangavel
3.Anandaraj
4.Panneer ... Respondents 2 to 4 /
Proposed Parties

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the respondent police to include the respondents 2 to 4 as accused No.5 to 7 in Crime No.89 of 2018 on the file of 1st respondent and consequently to file a charge sheet therein.

For Petitioner : Mr.N.Anbazhagan

For Respondent : Mrs.P.Kritika Kamal
Government Advocate
(Crl. Side) for R1

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O R D E R

This case is taken up through video conferencing.

2. This criminal original petition is filed seeking a direction, to direct the first respondent-police to include respondents 2 to 4 as accused 5 to 7 in Crime No.89 of 2018 on its file and consequently file a charge sheet.

3. On the complaint lodged by the petitioner/defacto complainant, the respondent-police registered a case in Crime No.89 of 2018 on 19.02.2018, for offences under Sections 294(b), 448, 323, 324, 506(ii) IPC., and Section 3 of the Tamil Nadu Public Property (Prevention of Damage & Loss) Act, 1992, against Magesh Babu (A1), Govindaraj (A2), Arunkumar (A3) and Arumugam (A4).

4. According to the petitioner, apart from the above four accused, the respondents 2 to 4 herein are also involved in the offence, and the police have deliberately not included their names in the FIR. Therefore, the petitioner gave a representation dated 21/02/2018 to the Superintendent of Police, Villupuram District. Since his representation was not considered by the police officials, the petitioner has filed the present petition with the above prayer.

5. Heard Mr.N.Anbazhagan, learned counsel for the petitioner and Mrs.P.Kritika Kamal, learned Government Advocate (Crl. Side) appearing for the first respondent/State.

6. In the opinion of this Court, a direction to the respondent-police to amend the FIR, cannot be issued under Section 482 Cr.P.C., If during the course of investigation, police find that other accused are also involved in the alleged offence, it is open to them to include the names of those accused in the final report, along with the names of A1 to A4 arrayed in the FIR.

7. With the above observation, this Criminal Original Petition is closed. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

ds

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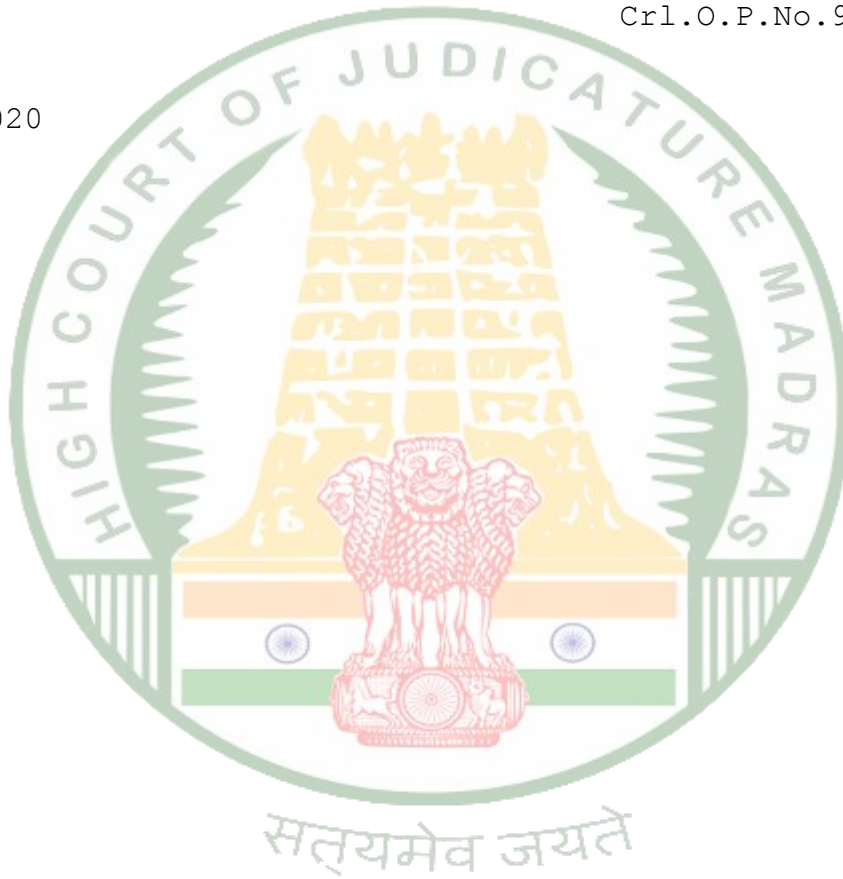
To

1.The Inspector of Police
Vanur Police Station
Villupuram District.

2.The Public Prosecutor,
Madras High Court,
Chennai - 600 104.

CrI.O.P.No.9305 of 2018

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