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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.7016 of 2020

and

Crl.M.P.No.3816 of 2020

R.Shanmuga Sundaram

...Petitioner/De Facto Complaint

-Vs-

1.The Superintendent of Police
Tiruppur District
Tiruppur.

2.The Deputy Superintendent of Police
Avinashi
Tiruppur District.

3.The State Represented by
The Inspector of Police,
Avinashi Police Station
Avinashi, Tiruppur District.
(Crime No.509/15)

... Respondents/Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the respondent police to further investigate the matter in C.C.No.377 of 2015 pending on the file of the Judicial Magistrate, Avinashi.

For Petitioner : Mr.S.Vinoth Kumar

For Respondents : Mr.M.Mohammed Riyaz
Additional Public Prosecutor

ORDER

The Criminal Original Petition has been filed to direct the 3rd respondent police to further investigate the matter in C.C.No.377 of 2015 pending on the file of the Judicial Magistrate, Avinashi.

2.The petitioner has lodged a complaint alleging that the accused called him to come to particular place for compromise. Believing the said words, petitioner visited the place by his motor vehicle, bearing registration No.TN 39 AY 5595. There,



the accused persons planned to murder the petitioner and pushed the motor vehicle with Maruti 800 Car and also scolded with filthy language. Further, they attacked him with iron rod. Thereby the petitioner sustained injuries and initially he was admitted in Government Hospital, Avinashi, for further treatment, admitted in PSG Hospital, Coimbatore. On the complaint lodged by the petitioner, the 3rd respondent police registered a case in Crime No.509 of 2015, for the offences punishable under Sections 294(b), 324, 506(ii) and 109 IPC. After completion of investigation, the 3rd respondent police laid final report and the same has been taken into cognizance in C.C.No.377 of 2015 on the file of the Judicial Magistrate, Avinashi.

3.At this stage, now the petitioner sought for further investigation in Crime No.509 of 2015, alleging that the 3rd respondent police did not include the offence under Section 307 IPC.

4.The learned Additional Public Prosecutor would submit that the 3rd respondent police filed the final report for the offences under Sections 294(b), 324, 506(ii) and 109 IPC in C.C.No.377 of 2015. Therefore, after 5 years, further investigation cannot be ordered, when it is under trial.

5.Considering the facts and circumstances of the case, at this stage, further investigation cannot be ordered, that too, only to include the offence under Section 307 IPC. However, the petitioner is at liberty to file a petition under Section 319 Cr.P.C., before the trial Court.

6.With the above directions, the Criminal Original Petition is disposed off. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate
Avinashi

2.The Superintendent of Police
Tiruppur District
Tiruppur.

3.The Deputy Superintendent of Police
Avinashi
Tiruppur District.



4.The Inspector of Police,
Avinashi Police Station
Avinashi, Tiruppur District.

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5.The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.7016 of 2020
and CrI.M.P.No.3816 of 2020

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