



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.16258 OF 2021

Jaganathan
S/o.Jayaraman

... Petitioner

Versus

1. The Superintendent of Police,
Cuddalore District.
2. The Deputy Superintendent of Police,
Neyveli, Cuddalore Dt.
3. The Inspector of Police,
Vadalur Police Station,
Vadalur, Cuddalore Dt.
(Crime No.38 of 2020)

... Respondents

PRAYER:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to conduct further investigation and include all the offence committed for the accused as stated in the complaint dated 18.01.2021 to amend the section as IPC 307, 348, 324, 294(b), 34 and 147 instead of I.P.C. 147, 341, 294(b), 324 and 506(i) on Crime No.38 of 2020 on record of respondent police.

For Petitioner : Mr.K.Kaviarasan

For Respondents : Mr.R.Vinoth Raja,
Government Advocate (Crl. Side)

ORDER

(This case has been heard through video conference)

The petitioner/accused lodged a complaint and a case in Crime No. 38 of 2020 for offence under Sections 147, 341, 294 (b), 324 and 506(i) I.P.C. got registered. The complaint clearly disclose the offence of 307, 348, 324, 294(b), 34 and 147 I.P.C.



Despite the same, the respondent police not taken any action. The petitioner produced the medical records and the copy of representation sent to the Deputy Superintendent of Police and Superintendent of Police. Despite the same, no action taken. Hence, the above petition filed.

2. The learned Government Advocate (Crl. Side) appearing for respondents would submit that in this case, investigation completed. The respondent police taken immediate action though the complaint was registered only on 04.02.2020 and within 20 days, the respondent police conducted investigation, completed enquiry and filed charge sheet before the trial court. The respondent police was sincere and diligent in conducting investigation, that is the reason, within 20 days, they were able to file the final report in this case. Now, the case has been taken on file in S.T.C.No.515 of 2020 by the learned Judicial Magistrate, Kurinjipadi and the next date of hearing is on 11.10.2021.

3. The final report was filed against five accused, who are named accused in the F.I.R. for an offence under Sections 147, 341, 294(b), 324 and 506(i) I.P.C. The contention of the petitioner that from the manner in which, the final report was filed within 20 days would clearly disclose the fact that in a pre-determined manner, the respondent police completed the investigation within a period of 20 days and filed the final report and further, they deleted the offences of serious in nature and filed the final report to help the accused.

4. This Court, on considering the submissions, finding that already final report was filed and it is also seen that some of the offences, which were mentioned in the F.I.R. are not found in the final report and no reason given, for deleting the offences is also not know. Now, the final report filed. The petitioner is at liberty to file a protest petition before the trial court and thereafter, the trial court to consider the same after hearing the petitioner and proceed in accordance with law.

5. With the above direction, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rpp/nr



To

1. The Superintendent of Police,
Cuddalore District.
2. The Deputy Superintendent of Police,
Neyveli, Cuddalore Dt.
3. The Inspector of Police,
Vadalur Police Station,
Cuddalore Dt.
4. The Public Prosecutor,
High Court, Madras.

CRL.O.P.NO.16258 OF 2021

PMK (CO)
PBS/13/10/2021