

Crl.M.P.No.9742 of 2021
in
Crl.R.C.No.7 of 2020

P. VELMURUGAN, J.

This Criminal Miscellaneous Petition is filed by the de-facto complainant/petitioner herein, to implead her as one of the respondents in Crl.R.C.No.7 of 2021, pending on the file of this Court.

2.The second respondent/police, registered a case in Crime No.02 of 2012, for the offence under Section 420, 465, 468, 479, 406 and 409 of IPC., After completion of investigation, laid a charge sheet before the learned Judicial Magistrate No.II, Dharmapuri and the same was taken on file in C.C.No.271 of 2016.

3.Pending trial, the second respondent herein has filed a petition under Section 173 (8) of Cr.P.C., in Crl.M.P.No.5158 of 2018, before the learned Judicial Magistrate No.II, Dharmapuri, by seeking permission to conduct further investigation in the above said case, the said petition was ordered.

4.Challenging the said order, the accused has been filed the present criminal revision case in Crl.R.C.No.7 of 2020, before this Court.

5.During the pendency of the above said revision, the de-facto complainant has filed the present miscellaneous petition in Crl.M.P.No.9742 of 2021, to implead her as respondent in the revision case.

6.The learned counsel for the petitioner/de-facto complainant has submitted that the de-facto complainant had lodged the complaint, based on the complaint a case in Crime No.02 of 2012 was registered. Hence, the de-facto complainant is a necessary party in this case and prayed to implead her as respondent party in the revision by allowing the present petition.

7.Heard both sides.

8.Admittedly, the second respondent/police had registered the case against the first respondent, after completing investigation, charge sheet was filed, the learned Judicial Magistrate No.II, Dharmapuri, has also taken the cognizance of the offence in C.C.No.271 of 2016. During trial, the second respondent/police filed a petition under Section 173(8), Cr.P.C., in Crl.M.P.No.5158 of 2018, before the learned Judicial Magistrate No.II, Dharmapuri, to conduct further investigation. After considering the facts and

circumstances of the case, the learned Trial Judge allowed the said petition. At this stage the de-facto complainant filed the present implead petition.

9.Once, the de-facto complainant filed a complaint before the second respondent/police, who have also conducted investigation, laid a charge sheet before the learned Judicial Magistrate, No.II, Dharampuri. Further, the respondent/police has also filed a petition under Section 173(8) Cr.P.C., to conduct further investigation, which was also allowed. Therefore, at this stage, this Court is not inclined to entertain this implead petition, since, the de-facto complainant has no role to play in this revision and the contention made by the learned counsel for the petitioner/de-facto complainant is not acceptable and satisfiable.

10.Accordingly, the Criminal Miscellaneous Petition is dismissed.

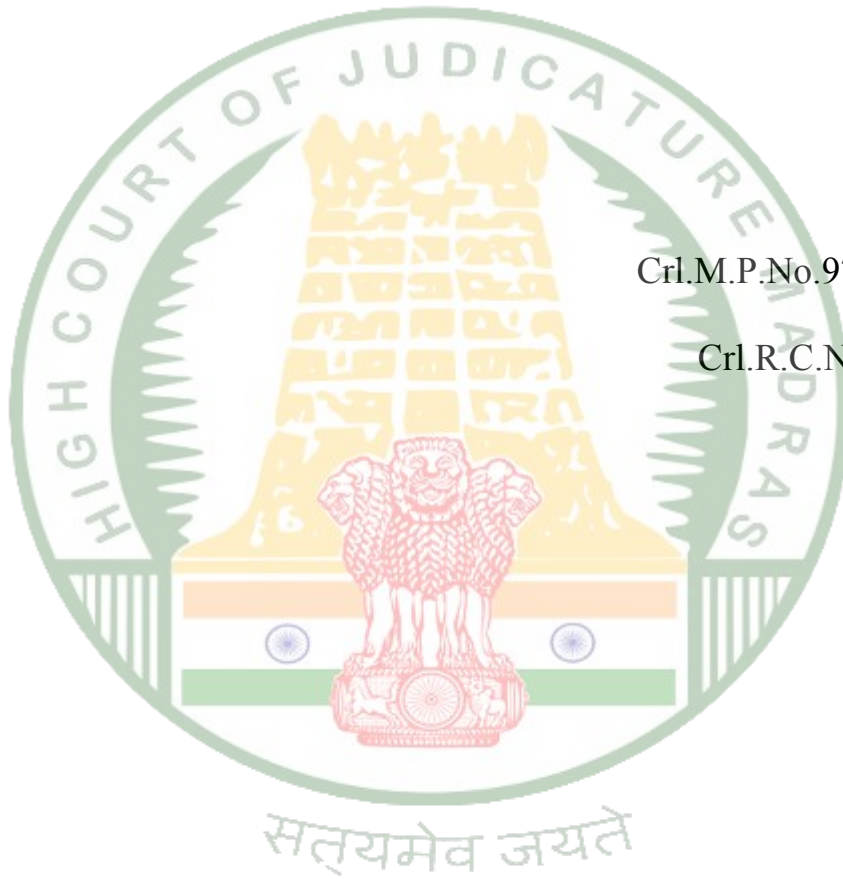
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