



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2022

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.739 of 2022

C.Lakshmipathy

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Petitioner

Vs

1.The State Represented by

The Sub-Inspector of Police Station,
ALGC, Then Kanchipuram,
(Chengalpet District)
Crime No.49 of 2014.

2.R.Babashankar

3.Banumathi

4.Rajesh Babashankar

5.Lalitha

6.Abboy Vijayaragavan Srinivas

7.Dhanasekaran

...

Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code to direct the 1st respondent police to conduct further investigation and file further charge sheet as against the respondents 2 to 7 in C.C.No.148 of 2017 on the file of the Judicial Magistrate No.II, Chengalpet, within a time frame as may be fixed by this Hon'ble Court.

For Petitioner : Mr.P.Raja

For Respondent : Mr.R.Vinoth Raja
No.1 Government Advocate (Crl.Side)

ORDER

The criminal original petition has been filed to direct the 1st respondent police to conduct further investigation and file further charge sheet as against the respondents 2 to 7 in C.C.No.148 of 2017 on the file of the Judicial Magistrate No.II, Chengalpet.

2.The petitioner/defacto complainant lodged a complaint against the respondents 2 to 7 and others. On his complaint, Crime No.49 of 2014 came to be registered on 28.07.2014 for



offences under Sections 420, 465, 468, 471 r/w 34 IPC. In the said complaint, the petitioner named ten persons as accused viz., A1 Babashankar, A2 Banumathi, A3 Abboy Vijayaragavan Srinivas, A4 Rajesh, A5 Lalitha, A6 Nagarajan Srinivas, A7 Dhanasekar, A8 Venkatasubbu, A9 Babu, A10 Jayaraman. After investigation, charge sheet filed, which was taken on file in C.C.No.148 of 2017 for offences under Sections 420, 465, 468, 471 IPC r/w 34 IPC @ 120(b), 423, 465, 468 and 471 IPC against three persons viz., A1 Reddiyar @ Venkatasubbu Reddiya, A2 Jayaraman and A3 Babu.

3.The grievance of the petitioner is that the petitioner being a defacto complainant was not informed about the progress of the investigation and also filing of the charge sheet in this case. Further, right from the case of Bhagwat Singh Vs. Commissioner of Police and another reported in (1985) SCC (Cr1) 267, the Apex Court as well as this Court consistently held that in case of deleting the name of the accused found in FIR while filing the charge sheet, notice to be given to the informant so that the informant can file his objections. In this case, no notice was issued to the petitioner for deleting the name of seven accused and further, in the charge sheet, there is no reason given, for what reason, seven persons' name were deleted. The petitioner's specific complaint is that all the accused joined together conspired and committed the offences. Further, in the complaint, he made specific overtact against all the accused. These factors not properly considered. Added to it, the investigation itself is not proper, for which, the petitioner got some objection. Neither the respondent police nor the lower Court issued any notice. The petitioner was not aware about these anomaly till such date, he came to know the same, after the filing of the charge sheet and thereafter, filed the copy application, obtained the same and filed the present petition.

4.In view of the same, the petitioner is directed to approach the trial Court and file a protest petition and the same to be entertained by the trial Court, thereafter, pass appropriate orders. Accordingly, the criminal original petition is disposed of.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sms



To

1. The Sub-Inspector of Police Station,
ALGC, Then Kanchipuram,
(Chengalpet District)
Crime No.49 of 2014.

2. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.P.Raja, Advocate Sr.NO. 2556

CRL.O.P.No.739 of 2022

RK(CO)

A.SK(28.02.2022)