



Crl.O.P.No.26400 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2022

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

Crl.O.P.No.26400 of 2022

Pavithra

... Petitioner

/vs/

1.The Superintendent of Police,
Vellore District,
Vellore.

2.State Rep. by
Sub Inspector of Police,
C-4, Sathuvachari Police Station,
Vellore District.

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the respondents to alter the FIR by impleading all the other accused persons and to file a final report with respect of Crime No.188 of 2022 on the file of the second respondent police.

For Petitioner ... Ms.T.Sreelekha

For Respondents ... Mr.S.Santhosh
Govt. Advocate (Crl. Side)



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ORDER

This Criminal Original Petition has been filed to direct the respondents to alter the FIR by impleading all the other accused persons and to file a final report with respect of Crime No.188 of 2022 on the file of the second respondent police.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondents.

3. The learned counsel for the petitioner submitted that during the investigation of the above case in Crime No.188 of 2022, the petitioner / defacto complainant had also identified the persons by name Premkumar, Akash, Madhan, Tharani, A.S.Arul, G.M.Ravi, Gokul, Gopi, Guhanraj, Palani and Prabu as accused, other than the named accused involved in the occurrence; hence the second respondent police should be directed to implead them as accused in the case.

4. The learned Government Advocate (Crl.Side) submitted that the investigation is pending and after getting the full material facts, action will be taken in accordance with law.



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5. The petitioner has no dispute about the fact that the investigation is still pending. It is not her contention that she has identified some other persons also as accused, but the charge sheet has not been filed adding them as accused. Even if the petitioner had identified the persons involved in the occurrence, it is the duty of the Investigating Officer to investigate the real facts behind the participation of the accused and the veracity of the statement of the witnesses and thereby, file the final report. Since the Investigating Officer has got power to implead more accused other than the named accused in the FIR, in the event of availability of materials against them, he would file a charge sheet accordingly. Since the Investigating Officer should be allowed to conduct independent enquiry, no direction as stated by the petitioner can be given.

6. With these observations, this Criminal Original Petition is closed.

02.11.2022

Index: Yes/No
Internet: Yes/No
gsk



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R.N.MANJULA ,J.

gsk

To

- 1.The Superintendent of Police,
Vellore District,
Vellore.
- 2.The Sub Inspector of Police,
C-4, Sathuvachari Police Station,
Vellore District.
- 3.The Public Prosecutor,
High Court, Madras.

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