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Crl.O.P.No.31124 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2022

CORAM:

THE HON'BLE Ms.JUSTICE **R.N.MANJULA**

Crl.O.P.No.31124 of 2022

1. R.Prabu
2. P.Sudhakar

... Petitioners

Vs.

The State
Rep. by Inspector of Police,
Tiruvannamalai East Police Station,
Tiruvannamalai District.
(Crime No.102 of 2022).

... Respondent

Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to direct the respondent police to conduct further investigation in C.C.No.156 of 2022 before the learned Judicial Magistrate-II, Tiruvannamalai in so far as the ownership of the vehicle is concerned and pass any such further orders as this Hon'ble Court may deem fit in the circumstances of the case.

For Petitioners : Mr.S.Sivakumar

For Respondent : Mr.S.Santhosh,
Govt. Advocate (Crl.Side)



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ORDER

This Criminal Original Petition has been filed seeking to direct the respondent police to conduct further investigation in C.C.No.156 of 2022 pending on the file of the learned Judicial Magistrate-II, Tiruvannamalai

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) appearing for the respondent.

3. The learned counsel for the petitioners submitted that the first petitioner is the *defacto* complainant and the second petitioner is the brother-in-law of the first petitioner. On the complaint given by the first petitioner stating that a car bearing Registration No.TN-25 BH 8143 was stolen, a case has been registered in Crime No.102 of 2022; after investigation the charge sheet has also been filed and it has been taken on record in C.C.No.156 of 2022. The grievance of the petitioner is that the first petitioner, who is the *defacto* complainant, is not the owner of the vehicle, but he has given the complaint on behalf of the second petitioner, who is the real owner of the car. Since in the charge sheet it has been wrongly stated that the first petitioner is



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the owner of the vehicle, the second petitioner is facing difficulty in getting insurance for the car. Hence, further investigation in this regard is needed and relevant statement from the witnesses should be obtained.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioners cannot seek further investigation by filing a petition of this nature and they ought to have filed a petition before the trial Court by invoking Section 173(8) of Cr.P.C.

5. On perusal of the records, I could only see that there is a clerical error in describing the owner of the stolen property. Hence, the Investigating Officer shall file a memo before the trial Court requesting permission to rectify the mistake in the charge sheet and make it reflected in the relevant records.

6. With the above observations, this Criminal Original Petition is disposed of.

16.12.2022

Index: Yes/No

Speaking / Non Speaking Order

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To

1. The Inspector of Police,

Tiruvannamalai East Police Station, Tiruvannamalai District.

2. The Public Prosecutor,

High Court, Madras.



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R.N.MANJULA, J.

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