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Crl.O.P.No.14240 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.14240 of 2023

Paramanathan

.. Petitioner

Versus

1. The State Rep. by
The Inspector of Police,
CCB Tiruppur,
Tiruppur District.
(Crime No.10 of 2022)

2. Jamal Mohamed

3. Hanna

.. Respondents

*RR-2 and 3 are impleaded as per order,
dated 22.08.2023 in Crl.M.P.No.12457 of 2023
in Crl.O.P.No.14240 of 2023

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records with regard to the Final Rreport in C.C.No.213 of 2023 on the file of the learned Judicial Magistrate No.III, Tiruppur and set aside the same and consequently, direct the respondent to further investigate in Crime No.10 of 2022 on his file and file the Final Report afresh.

For Petitioner : Mr.P.Thinesh

**For Respondents : Mr.A.Gopinath,
Government Advocate (Crl. Side),**



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for R1

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ORDER

This petition has been filed to quash the Final Report which has been taken on file by the learned Judicial Magistrate No.III, Tiruppur in C.C.No.213 of 2023 and to direct the first respondent to further investigate the case.

2. Heard Mr.P.Thinesh, learned Counsel for the petitioner and Mr.A.Gopinath, learned Government Advocate (Crl. Side) for the first respondent.

3. The main grievance that was expressed by the learned Counsel for the petitioner is that the wife of A1 was also involved in this case and inspite of the same, she was not added as an accused. The learned Counsel further submitted that there has been absolutely no investigation by the respondent Police with regard to the involvement of A2 in this case.

4. In the considered view of this Court, the Final Report has already been filed by the respondent Police and the case is now at the stage of framing of charges. The Trial Court itself has sufficient powers under



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Section 319 of Cr.P.C., to add a person as an additional accused during the course of inquiry / trial. Therefore, if during the course of the inquiry / trial the complicity of the wife of A1 also comes to the forefront based on the materials, she can also be added as an accused in this case. When such power is available to the Trial Court, there is no reason for this Court to interfere with the Final Report and order for a further investigation. Except giving this clarity, no further orders can be passed in this Criminal Original Petition.

5. This Criminal Original Petition is disposed off accordingly.

22.09.2023

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

1. The Judicial Magistrate No.III,
Tiruppur.
2. The Inspector of Police,
CCB Tiruppur,
Tiruppur District.



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High Court of Madras.



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N.ANAND VENKATESH, J.

grs

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