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Crl.O.P.No.17114 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.17114 of 2023

D.Rani

.. Petitioner

Versus

The State rep.by
Inspector of Police,
Uddanapalli Police Station,
Krishnagiri District.
(Crime No.146 of 2017)

.. Respondent

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent Police to include
1.Chinnapaiyan, S/o.Chikke goundu, 2.Anbalagan, S/o.Muniyan,
3.Murugan, S/o.Muniyan, 4.Perumal, S/o.Muniyan, 5.Chandiran,
S/o.Muniyan, 6.Selvaraj (Sembatayan), S/o.Muniyan, 7.Selvam,
S/o.Perumal, 8.Kullathottan, S/o.Perumal @ MandhiriGowndar,
9.Kumaresan, S/o.Chandiran, 10.Jayaraman, S/o.Muniyappan as accused in
Crime No.146 of 2017 and investigate the case in accordance with the law.

For Petitioner : Mr.A.Balamurugan

**For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor**



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ORDER

This petition has been filed seeking a direction to the respondent Police to include certain persons as accused in the pending Crime No.146 of 2017.

2. Heard Mr.A.Balamurugan, learned Counsel for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor for the respondent.

3. The petitioner gave a complaint to the respondent Police on the ground that her husband went missing under suspicious circumstances and the petitioner suspected certain persons. Accordingly, based on the complaint given by the petitioner, an F.I.R came to be registered in Crime No.146 of 2017 as a man missing F.I.R. The petitioner also filed a Habeas Corpus Petition before this Court in H.C.P.No.651 of 2018 for a direction to the Police to produce the body of her husband. This Habeas Corpus Petition was disposed off by this Court by order, dated 16.07.2019 directing the respondent Police to trace the missing person and to complete the investigation as and when the missing person is secured.



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4. One Madhu who is also a relative of the petitioner filed a complaint for the very same incident. On 23.01.2018, he came to know that the missing person was murdered by some of the accused persons. She also gave a complaint and based on the same, an F.I.R came to be registered in Crime No.115 of 2018 by the Royakkottai Police Station, Krishnagiri district. This F.I.R was investigated and it was closed as mistake of fact and a R.C.S notice was also issued to the said Madhu. A protest petition was filed before the learned District Munsif-cum-Judicial Magistrate, Denkanikottai. The Court below after considering the materials available on record and the evidence tendered by the some of the witnesses, took cognizance in S.T.C.No.174 of 2023 against nine accused persons. This complaint is now pending for service of summons to the accused persons and it is posted on 09.08.2023.

5. In view of the above, the common incident had led to an independent complaint given by the above said Madhu and it is now pending enquiry before the learned District Munsif-cum-Judicial Magistrate, Denkanikottai. In view of the same, no useful purpose will be served by



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giving an independent direction to the respondent Police to alter the offence and to add the accused persons in Crime No.146 of 2017. The issue can be substantially agitated in the pending case in S.T.C.No.174 of 2023.

6. This Criminal Original Petition is disposed off accordingly.

31.07.2023

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

To

1. The Inspector of Police,
Uddanapalli Police Station,
Krishnagiri District.
2. The Public Prosecutor,
High Court of Madras.



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N.ANAND VENKATESH, J.

grs

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