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Crl.OP.No.10640 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.10640 of 2024

L.Saravanan

... Petitioner

Vs.

The State of Tamil Nadu
Rep by the Inspector of Police
P6, Kodungaiyur Police Station,
Chennai 118.
Cr.No.138 of 2016

2.L. Kavitha

3. Lakshmanan

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the 1st respondent to incorporate all the events of the occurrence dated 02.02.2016 as described in this petition and file additional charge sheet in C.C.No.4024/2018 in Cr.No.138/2016 pending on the file of the X Metropolitan Magistrate Court, Egmore, Chennai.

For Petitioner : Mr.S.A.Secular

For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)



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ORDER

The petitioner herein is the defacto complainant in Cr.No.138 of 2016. Counter complaint against the petitioner and others was registered in Cr.No.137 of 2016.

2. When this petitioner earlier approached this Court by filing Crl.OP.No.15225 of 2018 to quash the complaint against him, this Court directed the respondent police to conduct investigation in both the complaints in Cr.Nos.137 and 138 of 2016 in accordance with law and complete the same within a period of six months from the date of receipt of a copy of that order. Thereafter, the respondent police has proceeded with the investigation and filed final report in Cr.No.138 of 2016 in which the petitioner is the complainant .

3. The trial Court had taken the report on file had framed charge against the petitioner under Sections 341, 294b, 324 and 506(ii) of IPC, not been satisfied with the final report, the petitioner has approached this Court by filing Crl.OP.No.9668 of 2016 to alter the charges by including Sections 307 and 325 of IPC. This Court vide order dated 13.03.2019



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dismissed the said petition with liberty to the petitioner herein to file the petition under Section 319 of Cr.P.C before the learned X Metropolitan Magistrate Court, Egmore, Chennai. If any incriminating evidence found as against other parties in the course of the recording evidence, instead of resorting to Section 319 of Cr.P.C for which liberty granted, the petitioner herein has again approached this Court for a direction to the respondent police to incorporate all the events of the occurrence dated 02.02.2016 as prescribed in the petition and to file additional charge sheet in C.C.No.4024 of 2018 pending on the file of the learned X Metropolitan Magistrate Court, Egmore, Chennai. .

4.This Court is unable to countenance the manner in which the present petition is filed after four years of the disposal of the earlier petition for altering the charges. The liberty given by this Court in the earlier criminal original petition is only if there is any incriminating material found in the course of examination of witness the petitioner without resorting to the said course of action had filed the present petition which deserves to be dismissed as not maintainable . Accordingly, this Criminal Original Petition is dismissed.



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5. The learned Government Advocate (Crl.Side) appearing for the respondent police states that the case against this petitioner which is under investigation has not yet completed inspite of specific direction by this Court in Crl.OP.No.15225 of 2018 vide order dated 12.06.2018. The respondent police is directed to complete the investigation on the complaint against this petitioner in Cr.No.137 of 2016 and file final report at the earliest not later than three months from today.

30.04.2024

Vv

To

1. The X Metropolitan Magistrate Court,
Egmore, Chennai.
2. The Inspector of Police
P6, Kodungaiyur Police Station,
Chennai 118
3. The Public Prosecutor,
High Court of Madras,
Chennai.



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Dr.G.JAYACHANDRAN,J.

Vv

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