



Crl.O.P.No.25303 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2024

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.25303 of 2022

and

Crl.M.P.No.15753 of 2022

K.Chinnasamy

... Petitioner

Vs.

1.The Superintendent of Police
Erode SP Office
Erode District

2.State By.
The Deputy Superintendent of Police
Kadambur JRS Puram Police Station
Erode District

3.The Additional Director General of Police
CB-CID
Block No.3, 1st Floor
SIDCO Electronics Complex
Guindy Industrial Estate
Chennai - 32

4.Sitthan @ Mondi Sithhan @ Pusari Sitthan



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5.Sithalingam

6.Sithalingam @ Sanna Sittha Siva

7.Madeva

8.Sitthan

9.Rangan

10.Naga Thambadi

11.Ganesa Thambadi

12.Muruga Thambadi

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to direct the 3rd respondent to conduct fresh / further investigation of the case in Crime No.212 of 2020 on the file of the 2nd respondent, now pending in Spl.S.C.No.17 of 2021 on the file of the Principal District and Sessions Court, Erode and file a fresh final report as per law and within the time frame fixed by this Court.

For Petitioner : Mr.S.Sathia Chandran

For Respondents : Mr.S.Vinoth Kumar
Government Advocate (Crl. Side)-R1 to 3

ORDER

The petitioner has filed this Criminal Original petitions to quash the proceedings in C.C.No.16 of 2021, pending on the file of the Judicial



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Magistrate, Harur, Dharmapuri District, in which cognizance was taken for the offence punishable under Sections 494, 495, 496 and 498A of IPC.

2. The prosecution's case is that the petitioner herein is the brother of the deceased in Crime No. 212 of 2020 under Section 302 of IPC. The petitioner filed this application praying for a fresh investigation. The reason assigned by the petitioner is that, despite the representation made by him on 01.12.2020 to the 1st and 2nd respondents, requesting to add persons namely Rayannan, Appaiyan, Komban, and Chinnamouri as accused, the 1st respondent police has not accepted his request and conducted the investigation, submitting the final report against 9 accused persons. In fact, these petitioners also colluded with accused 7 to 9 and the deceased. They instigated those accused, thereby leading to the murder. The aforementioned 4 persons also need to be added to Crime No. 212 of 2020.

3. The learned Government Advocate (Crl. Side) submitted that, based on the complaint given by the defacto complainant, separate investigation was conducted and a final report was filed against 9 accused persons. The case was taken in Spl. S.C. No. 17 of 2021, under Sections 302



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r/w 120B, 147, 148, 364 IPC, and Section 3(2) (Va) of SC/ST (POA) Act

WEB CODE 1989.

4. The petitioner, who is the brother of the deceased, filed this application to implead another 4 persons, who also actively participated, but on his side. However, while filing the complaint, there is no specific mention about the participation of those persons. Even during the investigation, no such information was obtained by the prosecution. Nevertheless, 9 accused were implicated in this case. If the persons alleged to be involved, or other accused in committing the murder of the deceased, the petitioner ought to have given the complaint immediately after the occurrence or produced some material evidence to implead those persons as accused. But no such information was submitted by the petitioner at the time of lodging the complaint at the earliest point of time, nor any reason was assigned as to why those persons' names were not included at the time of lodging the FIR. Without particulars, he wants to implead 4 individuals who are alleged to support the land dispute concerned with the accused and the deceased. However, it is admitted that there was a Civil Suit pending between the deceased and another family, and already, the investigation was



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completed and a final report was filed, but there is no such information indicating that the 4 persons were actively involved in this case.

5. Accordingly, this Criminal Original Petition is dismissed and
Consequently, the connected miscellaneous petition is closed.

23.02.2024

Speaking Order/ Non Speaking Order

Index: Yes/ No

Neutral Citation: Yes/No

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To.

1.The Principal District and Sessions Court, Erode .

2.The Superintendent of Police
Erode SP Office, Erode District.

3.The Deputy Superintendent of Police
Kadambur JRS Puram Police Station, Erode District.

4.The Additional Director General of Police
CB-CID, Block No.3, 1st Floor, SIDCO Electronics Complex
Guindy Industrial Estate, Chennai - 32

5.The Public Prosecutor,
High Court of Madras, Chennai 600 104.



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T.V.THAMILSELVI, J.

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