



CrI.O.P.(MD).No.1190 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 29.01.2024

CORAM:

THE HONOURABLE Mr. JUSTICE SATHI KUMAR SUKUMARA KURUP

CrI.O.P.(MD).No.1190 of 2024

and

CrI.M.P.(MD).No.811 of 2024

T.Anbunathan

... Petitioner

Vs.

1.The Superintendent of Police,
Trichy District.

2.The Deputy Superintendent of Police,
Lalgudi Sub-Division,
Trichy District.

3.The Inspector of Police,
Siruganur Police Station,
Trichy District.

4.Kumaresan

...Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the entire records pertaining to the order passed by the learned 1st Additional District Judge (PCR), Tiruchirappalli, in aside the same and consequently direct the learned 1st Additional District Judge (PCR) to number the further investigation petition filed by the Petitioner under Section 173(8).



CrI.O.P.(MD).No.1190 of 2024

For Petitioner : Mr.S.Balaji

For R-1 to R-3 : Mr.M.Veeranthiran
Government Advocate
Criminal Side

ORDER

The learned Counsel for the Petitioner submitted that the Petitioner had filed this petition for further investigation the unnumbered petition S.RNo. 3683 of 2023 which was dismissed by the learned 1st Additional District Judge (PCR) Cases, Tiruchirapalli. Aggrieved by the same, the De-facto Complainant / victim of crime is before this Court by filing this petition seeking to set aside the order passed by the learned 1st Additional District Judge (PCR) cases, Tiruchirapalli.

2. It is the submission of the learned Counsel for the Petitioner that the alleged offences committed by the accused attracts the provisions of 3(1)(f), 3(1)(g), 3(1)(q) and 3(1)(v) had not been included. Therefore, he was aggrieved. Before ever proceeding with hearing the arguments for framing of charges, the Petitioner had filed unnumbered petition in SR No.3683 for further investigation, which was dismissed vide order 02.01.2024 by the learned 1st Additional District Judge (PCR) cases, Tiruchirapalli. The learned Counsel for the Petitioner also submitted that he has relied on the Hon'ble Supreme Court in



CrI.O.P.(MD).No.1190 of 2024

the case of ***Devendra Nath Singh Vs State of Bihar and Others*** reported in **2023 (1) SCC 48** which was also not considered by the learned 1st Additional District Judge (PCR) cases, Tiruchirapalli. In support of his contention, the learned Counsel for the Petitioner relied on the ruling of this Court in the case of CrI.R.C.No.654 of 2022 dated 01.07.2022.

3. The learned Government Advocate (Criminal Side) on instructions of the Respondents 1 to 3 would submit that already arguments heard from the prosecution and the defence and the charges were framed by the learned 1st Additional District Judge (PCR) cases, Tiruchirapalli.

4. In the light of the ruling cited by the learned Counsel for the Petitioner, the Petitioner is not the accused. He is the affected party, victim of crime / De-facto complainant. He had approached the Court complaining about the Investigation Officer for not considering the actual offences that was committed by the accused party. While so, without hearing the De-facto Complainant, the learned 1st Additional District Judge (PCR) cases, Tiruchirapalli, had rejected the petition at the admission stage. Therefore, the submission of the learned Counsel for the Petitioner in the light of the reported ruling is accepted. The Investigation Officer is directed to look into the complaint of the De-facto Complainant and investigate further and file appropriate supplementary charge



CrI.O.P.(MD).No.1190 of 2024

sheet. The learned 1st Additional District Judge (PCR) cases, Tiruchirapalli, is directed not to proceed further till the supplementary charge sheet is filed by the Investigation Officer in this case.

5. In view of the above, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

29.01.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

To

- 1.The Superintendent of Police,
Trichy District.
- 2.The Deputy Superintendent of Police,
Lalgudi Sub-Division,
Trichy District.
- 3.The Inspector of Police,
Siruganur Police Station,
Trichy District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD).No.1190 of 2024

SATHI KUMAR SUKUMARA KURUP, J.

Nsr

Crl.O.P.(MD).No.1190 of 2024

29.01.2024