



CRL.OP(MD). No.11835 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.11.2024

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.OP(MD). No.11835 of 2023

N.A.Varatharajan

... Petitioner

Vs.

1. The Inspector General of Police,
O/o. Inspector General of Police Office,
Central Zone,
Subramaniyapuram,
Trichy.
2. The Commissioner,
O/o.Commissioner Office,
Trichy City,
Subramaniyapuram,
Trichy District.
3. The Inspector of Police,
City Crime Branch,
Heber Road,
Trichy District.
(Crime No.4 of 2012)
4. V.S.Suresh
5. V.S.Kumar
6. A.Peeter



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7. Chinnappan

8. Rajarajan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the final report filed in C.C.No. 154 of 2023 on the file of the learned Judicial Magistrate No.I, Trichy and consequently issue direction to the 2nd respondent to transfer the investigation to some other investigation officer for investigating the case in C.C.No.154 of 2023 on the file of the Judicial Magistrate No.I, Trichy under the supervision of 2nd respondent for the purpose of fairness and the sensitivity of the case in the light of the petitioner's representation dated 05.04.2023 and file a fresh final report before the jurisdictional Magistrate within the time stipulated by this Court.

For Petitioner : Mr.D.Balamurugapandi

For R-1 to R-3 : Mr.B.Thanga Aravindh,
Government Advocate
(Crl. Side)

ORDER

This petition has been filed questioning the final report filed by the respondent police which has been taken on file in C.C.No.154 of



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2023 by the learned Judicial Magistrate No.I, Trichy and for a consequential direction to the 2nd respondent to transfer the investigation to some other investigation agency and file a fresh final report.

2. Heard the learned counsel on either side and perused the materials placed on record.

3. The present petition has been filed by the defacto complainant mainly on the ground that the proposed accused persons namely respondents 6 to 8 were not added as accused in the final report.

4. In the considered view of this Court, the respondents 6 to 8 did play any role when the original incident took place which resulted in the registration of the FIR in Crime No.4 of 2012. They have come into the picture subsequently in the guise of settling the dispute. This is a subsequent cause of action and if at all it makes out an offence, it can only be proceeded separately and this cause of action cannot be clubbed along with the cause of action which has given rise to C.C.No.154 of 2023. In any event, adding a person as an accused is a power which is



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available with the Trial Court under Section 319 of CrPC. Therefore, if the Trial Court finds that apart from the named accused persons, others are also involved and there are materials to substantiate the same, the Trial Court can always adopt a proper procedure and add the accused persons.

5. In the light of the above discussion, there is no question of ordering for any fresh investigation in this case. This is more so since the trial has already commenced before the Court below. Hence, this criminal original petition stands dismissed.

21.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

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1. Judicial Magistrate No.I, Trichy.
2. The Inspector General of Police,
O/o. Inspector General of Police Office,
Central Zone,
Subramaniyapuram,
Trichy.
3. The Commissioner,
O/o.Commissioner Office,
Trichy City,
Subramaniyapuram,
Trichy District.
4. The Inspector of Police,
City Crime Branch,
Heber Road,
Trichy District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



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N.ANAND VENKATESH,J.

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Order made in
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21.11.2024