



Crl.O.P.(MD)No.22650 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 29.11.2024

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD) No.22650 of 2023
and Crl.M.P.(MD) No.17705 of 2023

Arunachala Vadivoo @ Chellathai

... Petitioner

Vs.

1.The Superintendent of Police,
Tenkasi District, Tenkasi.

2.The Inspector of Police,
Sendhamaram Police Station, Sendhamaram,
Tenkasi District.
(Crime No.257/2022).

3.The Crime Branch Crime Investigation Department,
Door No.07,
Kamaraj Nagar 2nd Street,
Chinna Chokkikulam, Madurai,
Madurai District.

4. Muthumari

5. Essakimuthu

6. Kaliraj

7. Anguraj @ Ashok



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8. Subramaniyan

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records more particularly the final report in connection with SC No.656/2022 on the file of the Learned Additional District Judge (FTC), Tenkasi, Tenkasi District filed by R2 and subsequently set aside the same.

For Petitioners : Mr.S.Palanivelayutham

For Respondents : Mr.S.Ravi
Additional Public Prosecutor
for R1 to R3

ORDER

This petition has been filed challenging the final report filed before the Court below which has been taken on file in S.C.No.656 of 2022 and for a consequential direction to conduct further investigation in this case and to file a supplementary report.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of respondents 1 to 3.



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3.The main grievance of the petitioner is that sufficient materials are available against the eighth respondent and in spite of the same, the eighth respondent has not been added as an accused in this case.

4.The above grievance of the petitioner does not require a further investigation to be conducted in this case. Already a final report has been taken on file by the Court below in S.C.No.656 of 2022 on the file of the Additional District Sessions Judge (FTC), Tenkasi. If during the inquiry/trial, sufficient materials crop up before the Court, the trial Court itself can exercise its jurisdiction under Section 319 of Cr.P.C. and add the concerned person as an accused person. Such wide powers are available to the trial Court. Hence, there is no need to conduct further investigation and by resorting to such a process, it will only further delay the case. This is more so since, the present case involves charges for offences under Sections 294(b), 302, 120(b), 342, 109, 201 of IPC and already four accused persons have been shown in the police report. This clarification will sufficiently take care of the grievance expressed by the petitioner.



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5.This Criminal Original Petition is disposed of in the above terms. Consequently, connected miscellaneous petition is closed.

29.11.2024

NCC	:	Yes / No
Index	:	Yes / No
Internet	:	Yes / No
PKN		



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- 4.The Additional Public Prosecutor
Madurai Bench of Madras High Court.



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N.ANAND VENKATESH,J.

PKN

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