



W.P(MD) NO.9171 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

W.P(MD) No.9171 of 2025

S. Aravind Sivasubramaniam

... Petitioner

vs.

1. The State of Tamilnadu
The Assistant Commissioner of Police,
Tirunelveli Junction, Tirunelveli.
(Crime No. 292/24)
2. The State of Tamil Nadu,
The Inspector of Police,
Tirunelveli Junction Police Station,
Tirunelveli District.
(Crime No. 292/24)
3. Aswini,
4. Rasitha,
5. Kathrivel,
6. Padmavathy,
7. Balasubramanian.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus to direct the learned II Additional District Judge, (PCR) Tirunelveli, to include the name of respondents No. 3 to 7 mentioned in the FIR Crime No. 292 of 2024 into the charge sheet in S.C.No. 7 of 2025.

For petitioner :Mr.M. Perumal

For R1 & R2 :Mr.R.M.Anbunithi
Additional Public Prosecutor (Crl side)

ORDER

This petition is filed by the petitioner to direct the learned II Additional District Judge, (PCR) Tirunelveli, to include the name of respondents No. 3 to 7 mentioned in the FIR in Crime No. 292 of 2024 into the charge sheet in S.C.No. 7 of 2025.

2. The learned counsel for the petitioner would submit that the petitioner is the defacto complainant in this case and based on the complaint lodged by the petitioner, the case in crime No.292 of 2024 was registered and thereafter, the first respondent filed a Final Report and based on the Final Report, the case has been numbered in S.C.No.7 of



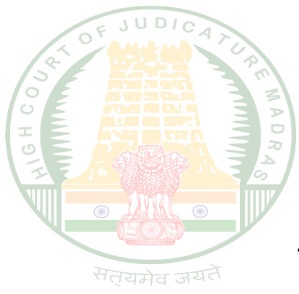
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2025. In fact, as per the FIR, there are eight persons arrayed as accused.

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But, in the Final Report, the police have only included three accused and the remaining five accused names were deleted, without serving notice to the petitioner in respect of the deletion of the names of the accused, the Sessions case has been numbered. Therefore, he filed this petition.

3. The learned Additional Public Prosecutor (Crl side) for the respondents 1 and 2 would submit that based on the complaint lodged by the petitioner, they registered the case in crime No.292 of 2024 for the offences under Sections 147, 294(b), 268, 406, 425 of IPC r/w 3(1)(r), 3(2)(va) of SC/ST(POA) Act. Thereafter, the case was investigated by the first respondent and they filed Final Report as against three persons and for remaining five persons, no case was made out. Therefore, their names were not included in the Final Report, after serving proper notice to the petitioner in respect of the deletion of the names of the accused, they filed the Final Report. Thereby, the petitioner ought to have approached the Trial Court by way of filing protest petition and now, after a long time, this petition is filed before this Court. Therefore, this petition is liable to be dismissed.



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4. Considering the prayer sought for in this petition, this Court, without issuing notice to the respondents 3 to 7, is inclined to pass orders.

5. According to the petitioner, he is the defacto complainant in this case, and based on his complaint, the case in Crime No.292 of 2024 as against eight persons was registered and thereby, the first respondent filed Final Report, in which only three persons were included as accused. Therefore, he filed this petition to include all the accused mentioned in the FIR.

6. There is no dispute that the first respondent filed Final Report as against three persons alone and for the remaining five persons, already notice was served to the petitioner and the petitioner has not taken any steps to file appropriate petition before the Trial Court. Therefore, at this stage, this petition cannot be entertained. If the petitioner aggrieved by the Final Report, he ought to have filed appropriate petition before the Trial Court at the earliest point of time. Therefore, it is for the petitioner to approach the Trial Court in accordance with law, if he is aggrieved.

7. In view of the same, this Writ Petition is closed with liberty to the petitioner to approach the Trial Court for seeking appropriate remedy



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in accordance with law.

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NCC : Yes/No
Index : Yes / No
Internet : Yes / No
apd

To

1. The Assistant Commissioner of Police,
Tirunelveli Junction, Tirunelveli.
2. The Inspector of Police,
Tirunelveli Junction Police Station,
Tirunelveli.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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P.DHANABAL,J

apd

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