

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P.No.22874 of 2015
and
M.P.No.1 of 2015

V.Vijaya

...Petitioner

Vs

1. The State rep. by
The Superintendent of Police,
O/o. The Superintendent of Police,
Kancheepuram.
2. The Deputy Superintendent of Police,
O/o. The Deputy Superintendent of Police,
Mahabalipuram,
Kancheepuram District.
3. The Inspector of Police,
Thirupporur Police Station.
Thirupporur,
Kancheepuram District.
(Crime No.264/2011)

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.,
praying to direct the 3rd respondent police to conduct further
investigation in S.C.No.63 of 2013 on the file of Mahila Court,
Chengalpattu in the light of the further evidences stated in the
representation preferred by the petitioner dated 27.08.2014 to the
respondents 1 to 3 herein.

WEB COPY

For Petitioner : Mr.M.Venkadeshan
For Respondents : Mr.C.Emalias,
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the third respondent police to conduct further investigation in S.C.No.63 of 2013 on the file of Mahila Court, Chengalpattu, in the light of the further evidences stated in the representation preferred by the petitioner dated 27.08.2014 to the respondents 1 to 3 herein.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

3. The defacto-complainant is before this Court. It is the case of the defacto-complainant that, her sister by name Selvi got married to Dheenadayalan (A1) on 10.07.2009 and thereafter she committed suicide on 26.05.2011, in connection with which the respondent Police registered a case in Crime No.264 of 2011 under Section 174 Cr.P.C., After completing the investigation, the offences were altered into Sections 306, 498(A) of IPC.,

4. In the meantime, the accused Dheenadalayan was released on anticipatory bail by the Court. The final report was filed before the Committal Magistrate, who committed the case to the Court of Sessions and now the case is pending in S.C.No.63 of 2013 before the Mahila Court, Chengalpattu. Charges were framed against the accused and when the case was posted for trial, for the examination of this petitioner as PW1, this petitioner has approached this Court for further investigation. The Hon'ble Supreme Court in Sudipta Lenka Vs. State of Odhisha & Others [(2014) 11 SCC 527] has held that once final report is filed, Court should not routinely order further investigation or transfer of investigation.

5. Be that as it may, it is the grievance of the petitioner that no charges were framed for the offence of misappropriation of the "seethanam articles" by the accused. This cannot be a good ground for ordering further investigation as that will cause prejudice to the prosecution case and it will only benefit the

accused. It is always open to the Trial Court to alter charges under Section 216 Cr.P.C., if there are materials on record.

7. With the above observation, this Criminal Original Petition is closed. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

ds

To

1. The Superintendent of Police,
O/o. The Superintendent of Police,
Kancheepuram.
2. The Deputy Superintendent of Police,
O/o. The Deputy Superintendent of Police,
Mahabalipuram,
Kancheepuram District.
3. The Inspector of Police,
Thirupporur Police Station.
Thirupporur,
Kancheepuram District.
(Crime No.264/2011)
4. The Public Prosecutor,
High Court, Madras.

1 CC to Mr.M.Venkadeshnan, Advocate SR.No. 50562

PA (CO)
PSI (18.09.2015)

Cr1. O.P. No.22874 of 2015