



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

Crl.O.P. (MD)No.11274 of 2015

and

M.P. (MD)No.1 of 2015

M.Subbulakshmi ... Petitioner
Vs.

1.The Superintendent of Police,
Tirunelveli District.

2.The Inspector of Police,
Ayikudi Police Station,
Tirunelveli District.

(Cr.No.76 of 2012) .. Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure to direct the first respondent to conduct re-investigation the case in Cr.No.76 of 2012, on the file of the second respondent police.

For Petitioner : Mr.J.Jeyakumaran
For Respondents : Mrs.S.Prabha
Government Advocate (Crl.Side)

O R D E R

This Criminal Original Petition is filed to direct the first respondent to conduct re-investigation in the case in Cr.No.76 of 2012, on the file of the second respondent police.

2.Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondents.

3.The petitioner is the defacto complainant. The allegation in the complaint is that the petitioner's husband has been taken forcibly by the accused persons for committing the alleged offence. The accused persons have been arrested and taken into custody and the investigation has been completed and thereafter charge sheet has been filed. The case is pending disposal on the file of the learned Judicial Magistrate, Senkottai in C.C.NO.249 of 2012, for the past three years and at this stage, the petitioner has come forward with this petition seeking re-investigation.

4.Though the learned Counsel for the petitioner submitted that the investigation has not been conducted properly, this Court is not willing to accept the same. The matter has been pending for three years. The investigation cannot be conducted to the satisfaction of the defacto complainant. The petitioner cannot have a matter of right seeking re-investigation, which has been done three years back. It is not as if the



complaint given by the petitioner has been closed. In fact, after investigation, the case has been registered for the offences alleged thereunder.

5.Hence, the Criminal Original Petition stands dismissed. However, liberty is given to the petitioner to approach the learned Judicial Magistrate, if the law, otherwise, provides. Consequently, the connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1.The Superintendent of Police,
Tirunelveli District.

2.The Inspector of Police,
Ayikudi Police Station,
Tirunelveli District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Ssl

SR : 14.07.2015 : 2p/4c

Cr1.O.P. (MD) No.11274 of 2015

and

M.P. (MD) NO.1 of 2015

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