

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 18.08.2015

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THE HONOURABLE MS.JUSTICE R.MALA**Cr1.O.P(MD)No.7721 of 2015**

T.Balaji

... Petitioner

Vs.

1.The Superintendent of Police,
O/o.The Superintendent of Police,
Tuticorin District.

2.The Deputy Superintendent of Police,
O/o.the Deputy Superintendent of Police,
District Crime Branch (DCB)
Tuticorin District
(Crime No.15 of 2014)

3.The Inspector of Police,
District Crime Branch (DCB)
Tuticorin District,
(Crime No.15 of 2014)

... Respondents

Prayer: Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent No.3 to conduct Fresh De Nova Investigation in Crime No.15 of 214 U/s. 420 of I.P.C on the file of the respondent No.3 dated 22.03.2014 and file a final report before the Jurisdictional Magistrate within the time stipulated by this Court.

For Petitioner ... Mr.S.Rajasekar

For Respondent ... Mr.K.Anbarasan

Government Advocate (Cr1.side)

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ORDER

The petitioner has come forward with this petition to direct the respondent No.3 to conduct Fresh De Nova Investigation in Crime No.15 of 2014 U/s. 420 of I.P.C on the file of the respondent No.3 dated 22.03.2014 and file a final report before



the Jurisdictional Magistrate within the time stipulated by this Court.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side).

3. The learned Government Advocate (Crl.side) would submit that already RCS notice has been served on 11.10.2014 and the same is recorded in RCS.No.22 of 2014 by the learned Judicial Magistrate No.I, Thoothukudi and hence, he prays for dismissal of this application.

4. I have considered the rival submissions made on either side and also perused the materials available on record.

5. The petitioner viz., Balaji, is a party in Crl.R.C.No.132 of 2015 and he is the de-facto complainant in Crime No.15 of 2014 for an offence under Section 420 of I.P.C., and he filed this application in Crl.O.P.(MD).No.7721 of 2015 seeking for a direction directing the respondents to conduct Fresh De Nova investigation and file a final report within the time stipulated by this Court and final report was not filed within the stipulated time, which was filed little later.

6. According to the submission of the learned Government Advocate (Crl.side) RCS notice has been served on 11.10.2014 and the same is recorded in RCS.No.22 of 2014, but, the petitioner has not filed any protest petition against the final report. Thereafter, the petitioner filed Cr.M.P.No.3375 of 2014 before the learned Judicial Magistrate No.I, Tuticorin under Section 173 Cr.P.C., and on 02.02.2015 that application was ordered by directing the respondent/Investigating Officer to approach the appropriate forum for extension of time for further investigating and file a final report, against which, the Inspector of Police, District Crime Branch, Thoothukudi has filed a revision before this Court and this Court allowed the criminal revision on 16.06.2015, which reads as follows:

"6. In the result, this revision is allowed and the impugned order of the learned Judicial Magistrate No.I, Tuticorin in Cr.M.P.No.3375 of 2014 is set aside and the learned Magistrate is directed to take the final report filed by the petitioner and issue notice to the de-facto complainant as directed by the Hon'ble Supreme Court in Bhagwant Sing case and the de-facto complainant will be at liberty to file protest petition if so advised and thereafter, the learned Magistrate shall consider the same."

7. For the same relief, the petitioner has come forward with this application. Once in the revision, the relief has been granted, the petitioner shall not approach this Court for the same



relief before a different forum. Hence, I am of the view that the petitioner is not entitled to get any relief as prayed for in this application. Hence, this petition is dismissed.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

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To:

1. The Judicial Magistrate No.I, Tuticorin.
2. Do Through The Chief Judicial Magistrate, Tuticorin
- 3.The Superintendent of Police,
O/o.The Superintendent of Police,
Tuticorin District.
- 4.The Deputy Superintendent of Police,
O/o.the Deputy Superintendent of Police,
District Crime Branch (DCB)
Tuticorin District.
- 5.The Inspector of Police,
District Crime Branch (DCB)
Tuticorin District.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.T.Lajapathiroy Advocate Sr.No.47497

GJM/ JGB/DP/SAR (AD) -4.9.15-3P-8C

Cr1.O.P (MD) No.7721 of 2015
18.08.2015