

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.11497 of 2012

ORDER:

The petitioner assails the action of the police authorities in not considering his representation for taking up effective investigation in Crime No.290 of 2010 in C.C.No.78 of 2011 on the file of the learned Judicial First Class Magistrate, Jadcherla, Mahboob Nagar District. He seeks a consequential direction to the Station House Officer, Jadcherla Police Station to conduct further investigation under Section 173 (8) Cr.P.C.

Upon the private complaint made by the petitioner before the learned Judicial First Class Magistrate, Jadcherla, Crime No.291 of 2010 was registered under Sections 392 and 447 I.P.C., read with Section 34 I.P.C., on the file of the Jadcherla Police Station. After due investigation, a charge sheet was filed before the learned Judicial First Class Magistrate, Jadcherla, under Sections 406 and 420 I.P.C. The petitioner however complains that the investigation by the police authorities was not done properly and seeks further investigation to be undertaken on the basis of his representation.

Perusal of the representation dated 08.04.2012 submitted by the petitioner in this regard reflects that he was of the opinion that the Investigating Officer had colluded with the accused and improper investigation was carried out. He therefore sought further investigation under the supervision of the Superintendent of Police, Mahaboob Nagar.

It is a settled position of law that in exercise of powers under Section 173 (8) Cr.P.C., only further investigation is to be taken up and not reinvestigation or fresh investigation. The scope of this provision was considered by the Supreme Court in **Chandrasekhar v. State of Kerala**^[1], and **State of Andhra Pradesh v. A.S.Peter**^[2] and it was held that further investigation would be a continuation of the earlier

investigation and not a fresh investigation or reinvestigation to be started ab initio wiping out the earlier investigation altogether.

In the light of the aforestated legal position, it is not open to the petitioner to complain of improper investigation in the first instance and seek reinvestigation in the guise of further investigation. The prayer of the petitioner therefore cannot be countenanced.

The writ petition is accordingly dismissed.

Pending Miscellaneous Petitions shall also stand dismissed.

No order as to costs.

SANJAY KUMAR, J

Date:01.07.2015

GJ

[\[1\]](#) (1998) 5 SCC 223

[\[2\]](#) 2008 (2) SCC 383