

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2016

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

Crl.R.C.No.1249 of 2016

and

Crl.M.P.No.11290 of 2016

S.Jeeva

W/o.M.Senthil Kumar

.. Petitioner/Defacto Complainant

vs.

The State represented by
Inspector of Police,
K-2 Ayanavaram Police Station,
Chennai - 23.

.. Respondent/Complainant

Criminal Revision case filed under Section 397 r/w 401 Cr.P.C. against the order of learned V Metropolitan Magistrate, Egmore, passed in unnumbered M.P.No... of 2016 in C.C.No.5118 of 2016 on 27.09.2016 and direct the learned Metropolitan Magistrate, Egmore, to reject the final report filed by respondent in Crime No.1438 of 2015 in C.C.No.5118 of 2016 and further direct the respondent to conduct proper further investigation u/s.173(8) Cr.P.C. and file an additional report before learned V Metropolitan Magistrate, Egmore, Allikulam.

For Petitioner : Mr.S.Venkatesh

For Respondent : Mr.K.Madhan,

Government Advocate [Crl.side]

O R D E R

This revision arises against the order of learned V Metropolitan Magistrate, Egmore, passed in unnumbered M.P.No... of 2016 in C.C.No.5118 of 2016 on 27.09.2016 and seeks a direction towards further investigation in Crime No.1438 of 2015.

2. Heard learned counsel for petitioner and learned Government Advocate [Crl.side].

3. Upon the complaint of the petitioner, a case in Crime No.1438 of 2015 on the file of respondent has been registered and the same has resulted in filing of a final report informing

commission of offences u/s.448, 294(b) and 323 IPC. Petitioner/de facto complainant has preferred unnumbered M.P.No... of 2016 in C.C.No.5118 of 2016 making allegations against respondent police, informing that offences u/s.315, 326, 327, 307 and 354 IPC were also attracted and sought a direction for rejection of the final report and further investigation in the case. The order of the Court below on such petition dated 27.09.2016 reveals that the Court below has dismissed the petition informing that it was only this Court, which had inherent power to reject the final report and to order fresh investigation or re-investigation and further, it was only empowered to order further investigation. The order under challenge does not inform any discussion on whether the case was one which merited further investigation.

4. Recording the submission of learned counsel for petitioner that the prayer in unnumbered M.P.No... of 2016 in C.C.No.5118 of 2016 to reject the final report is given up, the matter shall stand remitted back to learned V Metropolitan Magistrate, Egmore, for passing reasoned orders on merits and on the question of whether further investigation in the case in keeping with Section 173(8) Cr.P.C. is warranted or not.

The Criminal Revision is disposed of with the above direction. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gm

To

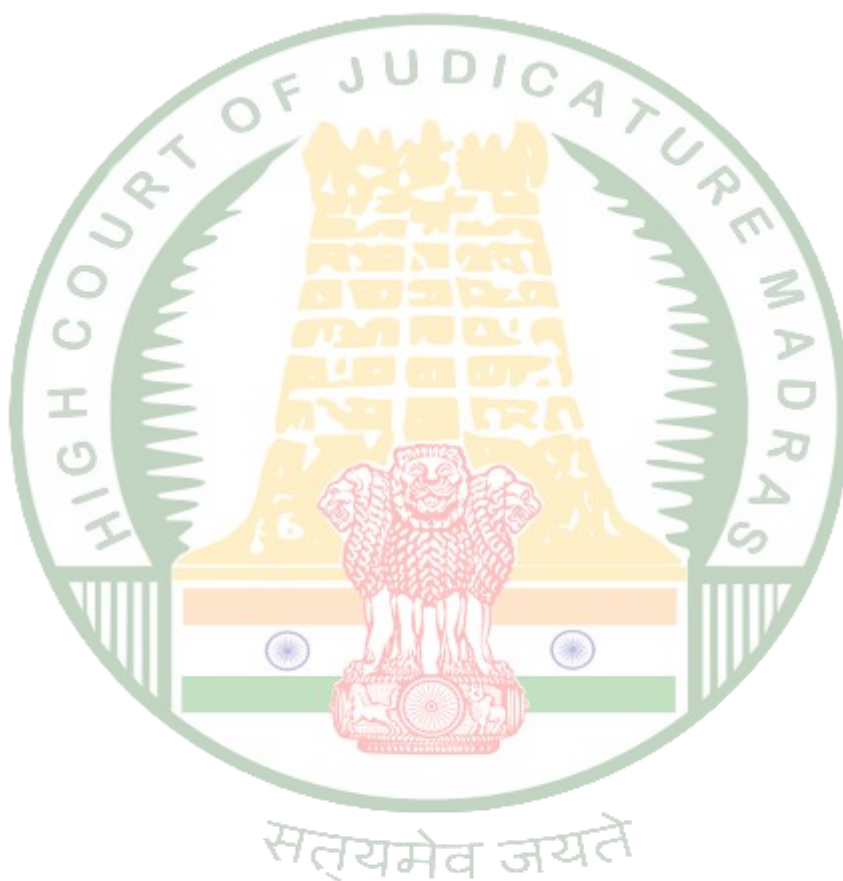
1 The V Metropolitan Magistrate,
Egmore. Now at Allikulam, Chennai 3

2 The Inspector of Police,
K-2 Ayanavaram Police Station,
Chennai 23

3 do thro The Chief Metropolitan
Magistrate, Egmore, Chennai

NRJK (CO)
md(23/11/2016)

Cr1.R.C.No.1249 of 2016



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