



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.02.2016

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THE HONOURABLE MR. JUSTICE P.N. PRAKASH

Cr1.O.P. (MD) No.2069 of 2016

Soornabhai ..Petitioner

Vs

1.The Superintendent of Police,
Kanyakumari District at Nagercoil.

2.The Inspector of Police,
Aralvoimozhi Police Station,
Kanyakumari District.

3.Moses Raj

4.Latha Rani .. Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the first respondent to depute some other investigating agency to re-investigate the Crime NO.454 of 2014 on the file of the second respondent and file final report afresh in accordance with law.

For Petitioner	:Mr.V.Sasikumar
For Respondents	:Mr.K.V.Rajarajan
	Government Advocate (Cr1.Side)
	for R.1 and R.2

O R D E R

This petition has been filed to direct the first respondent to depute some other investigating agency to re-investigate the Crime NO.454 of 2014 on the file of the second respondent and file final report afresh in accordance with law.

2. Heard Mr.V.Sasikumar, learned Counsel appearing for the petitioner and Mr.K.V.Rajarajan, learned Government Advocate (Cr1.Side) appearing for the State.

3. On the complaint lodged by Soornabhai (the petitioner herein), the respondent police registered a case in Cr.No.454 of



2014 on 19.12.2014 for the offences under Sections 294(b), 323, 506(i) and 379(NP) I.P.C. against Moses Raj (the respondent No.3) and Latha Rani (the Respondent No.4).

4. When this petition for transfer of investigation was taken up for hearing, the learned Government Advocate(Crl.Side) submitted that the investigation in Cr.No.454 of 2014 has been completed and final report has been filed before the Judicial Magistrate, Boothapandi for offences under Sections 294(b), 323 and 506(i) I.P.C.

5. It also appears that the accused have been released on anticipatory bail. It is the grievance of the defacto complainant that though F.I.R. was registered for the offences under Section 379(NP) I.P.C., in the final report, the said section has been deleted.

6. Considering the opinion of this Court, the facts produced in this case do not warrant reinvestigation, because that will only further prolong the agony of the defacto complainant. Instead, during the course of trial, if the evidence surfaces against the accused for the offence under Section 379(NP) I.P.C., it is open to the trial Court to alter the charge under Section 216 Cr.P.C.

7. With the above directions, this Criminal Original Petition is closed.

Sd/-
Assistant Registrar

/True copy/

Sub Assistant Registrar

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To

1.The Superintendent of Police,
Kanyakumari District at Nagercoil.

2.The Inspector of Police,
Aralvoimozhi Police Station,
Kanyakumari District.

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

+1CC to Mr.V.Sasikumar Advocate Sr.No.7401

GJM/GSV/AN/12.2.16-2p-5C

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