



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CrI.O.P. (MD) .No.17565 of 2015

C.Baby

... Petitioner

Vs.

1. The Superintendent of Police,
kanniyakumari District.

2. The Inspector of Police,
Puthukadai Police Station,
Kanniyakumari District.

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the 2nd respondent to conduct the re-investigation in Cr.No.9 of 2015 and the same submit before the concern Judicial Magistrate within the stipulated time.

For Petitioner : M/S.P.Thangam
For Respondents : Mr.C.Mayil Vahana Rajendran
Additional Public Prosecutor

O R D E R

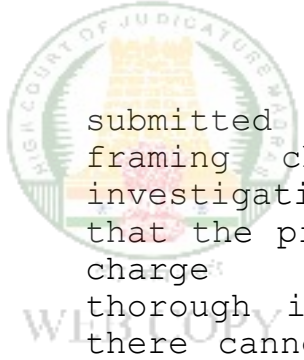
This Criminal Original Petition has been filed to direct the second respondent to conduct the re-investigation in Cr.No.9 of 2015.

2.Based on the complaint lodged by the petitioner, a case was registered in Cr.No.9 of 2015 for the alleged offences punishable under Sections 448 and 302 IPC. After filing the charge sheet the case was committed before the Sessions Court, Nagercoil in S.C.No.27 of 2016. At this Stage, the petitioner has filed a petition for conducting the re-investigation in Cr.No.9 of 2015.

3.The grievance of the petitioner is that the first respondent ought to have impleaded an individual as third accused and that the criminal case was proceeded without impleading the said individual. It is submitted that this is likely to cause serious prejudice and that it will lead to injustice to the victim's family.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned Additional Public Prosecutor on instructions



submitted that the case was taken on file and it is posted for framing charges. The present petition for conducting re-investigation in Cr.No.9 of 2015 is opposed to principles of law and that the prayer is not maintainable. It is further stated that the charge sheet has been filed only after thorough investigation and collecting evidence. At this stage, there cannot be a direction to proceed with further investigation without even a specific allegation against the investigation agency pointing out any lapses.

5.In these circumstances, this Court find no merit in this petition. Hence, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
kanniyakumari District.
2. The Inspector of Police,
Puthukadai Police Station,
Kanniyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.A.RAJARAM, ADVOCATE IN SR No. 86140

MM
TE/JC/SAR-3 : 23/11/2017 : 2P/5C

Cr1.O.P. (MD) .No.17565 of 2015
08.11.2017