



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 08.02.2017

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WEB COPY

THE HON'BLE MR.JUSTICE G.CHOCKALINGAM

Crl.O.P.(MD) No.715 of 2017

Bose

: Petitioner

-vs-

1.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

2.The Inspector of Police,
Kattanur Police Station,
Virudhunagar District.

: Respondents

Prayer: Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, to direct the 2nd respondent to re-investigate the case in Crime No.13 of 2014 on his file and file fresh final report.

For Petitioner

: Mr.T.Lenin Kumar

For Respondents

: Mr.K.Anbarasan

Government Advocate
(Criminal side)

O R D E R

This petition has been filed to direct the 2nd respondent to re-investigate the case in Crime No.13 of 2014 and file a fresh final report.

2.The learned counsel appearing for the petitioner would submit that the petitioner has made a complaint on 24.10.2013 before the 2nd respondent against the accused persons and after receiving the complaint, the 2nd respondent did not act upon promptly and hence, the petitioner filed a petition in Crl.O.P(MD) No.20807 of 2013 seeking for a direction, directing the respondents to register a case on the basis of the petitioner's complaint and as per the direction of this court, the 2nd respondent has registered a complaint in Crime No.13 of 2014 under sections 147, 448, 427, 379(NP) of IPC and after registration of the case, the respondents police did not secure the accused since they are belonging to ruling party and thereafter, the petitioner filed a petition in Crl.O.P(MD)No.14078 of 2014 and this court directed the 2nd respondent to file a final report within a period of 4 weeks from the date of he receipt of the order copy and in spite of that, in order to safeguard the accused, the 2nd respondent filed a report before the Judicial



Magistrate, Aruppukkottai, after deleting 5 prime accused from the case and that after perusal of the report, the Judicial Magistrate, Aruppukkottai, returned the report, directing the 2nd respondent to conduct proper investigation and in the interregnum, the petitioner was called upon to appear before the trial court on 20.01.2017 to give evidence in connection with the case in C.C.No.769 of 2016. Hence, this petition is filed by the petitioner for the relief as stated above.

3.The learned Government Advocate (Criminal side) appearing for the respondents would submit that the 2nd respondent police, after proper investigation, has filed a final report in connection with the case in Crime No.13 of 2014 and hence, he prayed for the dismissal of the petition.

4.Heard both sides and perused the materials available on record.

5.It is seen from the records that in this case, as per the direction of this court, FIR has been registered in Crime No.13 of 2014 and after registration of the FIR, final report was filed in C.C.No.769 of 2016 before the Judicial Magistrate, Aruppukkottai and the same is pending for trial. If at all the petitioner is not satisfied with the investigation conducted by the 2nd respondent, he has every right to file a private complaint before the competent court in accordance with law, but the petitioner, without doing so, after filing a final report in connection with the Crime No.13 of 2014 has come to this court seeking for re-investigation of the case, which is not maintainable in law. In view of the above circumstances, the relief sought for by the petitioner cannot be granted at this stage.

6.In the result, this petition is dismissed with liberty to the petitioner to seek appropriate remedy in the manner known to law.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub-Assistant Registrar

To,

1.The Superintendent of Police, Virudhunagar District,
Virudhunagar.

2.The Inspector of Police, Kattanur Police Station,
Virudhunagar District.

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

+One cc to Mr.T.Lenin Kumar, Advocate, SR.No.7201

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RL/5C/2P/MR/SAR2/27.4.2017

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