



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2018

CORAM:

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THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CrI.O.P.(MD).No.2828 of 2018

Kalaiselvan

... Petitioner

Vs.

1. The State rep. by,
The Superintendent of Police,
Dindigul District.
2. The Deputy Superintendent of Police,
Dindigul Rural,
Dindigul District.
3. The Inspector of Police,
Sanarpatti Police Station,
Dindigul District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to direct the 1st respondent to depute the 2nd respondent to investigate the case and direct the 3rd respondent to register fresh FIR for the offences under Sections 302, 447, 120 (b), 201 and Section 3(2) (5) of Prevention of Atrocity to Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act) 1989 against accused and for investigation in accordance with law.

For Petitioner

:Mr.R.Ramachandran

For Respondents

:Mr.M.Chandra Sekaran

Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the first respondent to depute the 2nd respondent to investigate the case and further to direct the third respondent to register a fresh FIR for various offences.

2.It is seen from the records that already an FIR was registered in Crime No.344 of 2012 under Section 174 of Cr.P.C. Subsequently, the case was closed on 03.11.2012 as 'mistake of fact'. The petitioner was directed by this Court in CrI.O.P.(MD) No.17638 of 2014, which was filed by the petitioner to reopen the case in Crime No.344 of 2012, by order dated 17.10.2014 to workout



his remedy in accordance with law. Thereafter, one more petition was filed before this Court to reopen the case in Crime No.344 of 2012 in CrI.O.P.(MD)No.6682 of 2015 and this Court directed the Executive Magistrate, Dindigul to take further action on the earlier case registered in Crime No.344 of 2012.

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3.Subsequently, CrI.O.P.(MD)No.2066 of 2016 was filed by the petitioner seeking to dispose of the application in CrI.M.P.(MD) No.1191 of 2015. This Court by order dated 25.02.2016 had categorically held that it is too late for the petitioner to seek reinvestigation for his brother's death.

4.Now the present petition has been filed for registering a fresh FIR for the very same occurrence, which took place in the year 2011. On going through the records this Court finds that this Criminal Original Petition is not maintainable and the matter, which has already come to an end, cannot be re-investigated by filing a fresh FIR.

5.This Criminal Original Petition is dismissed, accordingly.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-III)

To

1. The Superintendent of Police,
Dindigul District.
2. The Deputy Superintendent of Police,
Dindigul Rural,
Dindigul District.
3. The Inspector of Police,
Sanarpatti Police Station,
Dindigul District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.R.RAMACHANDRAN, ADVOCATE IN SR No. 81798

TA
TE/RSK/SAR-3 : 19/09/2018 : 2P/6C