



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.09.2018

CORAM:

WEB COPY

**THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH**

CrI.O.P. (MD) .No.14091 of 2016  
and  
CrI.M.P. (MD) .No.6576 of 2016

M.Nabeesa Beevi

... Petitioner

**Vs.**

1. The Superintendent of Police,  
O/o. the Superintendent of Police,  
Kanyakumari District.

2. The Inspector of Police,  
Kottar Police Station,  
Kanyakumari District.  
(Crime No.491 of 2015)

... Respondents/Complainants

**PRAYER:** Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to issue a direction directing the respondent No.1 to conduct fresh investigation in S.C.No.70 of 2016 pending before the Principal District and Sessions Judge, Kanyakumari at Nagercoil in Crime No.491 of 2015 under Section 436 of IPC on the file of the second respondent and file a final report before the concerned Court within the time stipulated by this Court.

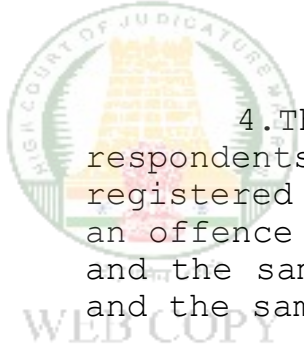
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|-----------------|---------------------|
| For Petitioner  | :Mr.T.Lajapathi Roy |
| For Respondents | :Mrs.S.Bharathi     |
|                 | Government Advocate |

### **O R D E R**

This Criminal Original Petition has been filed seeking for a direction to the respondent Police to conduct a fresh investigation in S.C.No.70 of 2016, on the file of the Principal District and Sessions Judge, Kanyakumari, Nagercoil.

2.The case was registered against the petitioner's son in Crime No.491 of 2015, on the file of the second respondent Police, for an offence under Section 436 I.P.C.

3.It is the case of the petitioner that a false case has been foisted against her son and his name was not even found in the First Information Report. In this regard, the petitioner has given a representation to the second respondent on 30.12.2015.



4.The learned Government Advocate appearing for the respondents would submit that subsequently, one more case was registered against the petitioner's son in Crime No.118 of 2015, for an offence under Section 436 I.P.C and Section 4 of TNPPDL Act, 1992 and the same was investigated. A final report has also been filed and the same has been taken on file in S.C.No.208 of 2016.

5.In view of the subsequent development, both the above said cases can be effectively defended by the petitioner's son and all the grounds raised in this petition can be raised before the Court below.

6.This Criminal Original Petition is disposed of with the above directions. Consequently, the connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-IV)

**To**

1. The Superintendent of Police,  
O/o. the Superintendent of Police,  
kanyakumari District.
2. The Inspector of Police,  
Kottar Police Station,  
Kanyakumari District.
3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+ 1 CC TO Mr.T.LAJAPATHI ROY, ADVOCATE IN SR No. 84661

TSG  
DS/SV/SAR-4 : 16/10/2018 : 2P/5C

Cr1.O.P. (MD) .No.14091 of 2016  
17.09.2018