



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.08.2018

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P. (MD) No.17850 of 2017

and

Crl.M.P. (MD) No.11649 of 2017

Chellammal

... Petitioner/Defacto Complainant

Vs

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

2.The Inspector of Police,
Krishnankovil Police Station,
Virudhunagar District.
(Crime No.222/2015)

... Respondents/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to pass an order of reinvestigation by some other competent agency in Crime No.222/2015 on the file of the second respondent which is now pending on the file of the learned Judicial Magistrate No.I, Srivilliputhur as C.C.No.147 of 2016.

For Petitioner : Mr.V.Sasikumar

For Respondents : Mrs.S.Bharathi

Government Advocate (Crl.side)

O R D E R

This petition has been filed for a direction for re-investigation by some other agency, in a case, where the second respondent has already filed a final report before the learned Judicial Magistrate No.I, Srivilliputhur and the case is pending at the stage of trial in C.C.No.147 of 2016.

2.The learned counsel for the petitioner made an elaborate argument justifying the grounds taken for re-investigation.

3.This Court can order re-investigation only in rarest of rare cases, where, on the face of it, this Court is able to find that the investigation has not been done by the respondent based on the evidence collected in the course of investigation. The petitioner, who is the defacto complainant, knew about the manner in which, the accident had taken place. It would suffice at this stage, if the petitioner is permitted to participate in the proceedings before the



trial Court for assisting the prosecution. The petitioner shall be permitted to file an application for assisting the prosecution and shall be allowed to assist the prosecution, by the trial Court in the pending proceedings in C.C.No.147 of 2016.

4.This criminal original petition is disposed of with the above direction. Consequently, connected miscellaneous petition is closed.

Sd
ASSISTANT REGISTRAR (CS I)

TRUE COPY

SUB ASSISTANT REGISTRAR (CS II)

rmi

To

- 1.The Judicial Magistrate, No. I,
Srivilliputhur.
- 2.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
- 3.The Inspector of Police,
Krishnankovil Police Station,
Virudhunagar District.
- 4.The Additional Public Prosecutor,
Madurai bench of Madras High Court,
Madurai.

1cc to MR. V. SASI KUMAR, ADVOCATE SR; 78494

DS SKN SAR 2
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