



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 16.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.[MD].No.10158 of 2018

WEB COPY

P.Ashokan

: Petitioner

Vs.

1. The Superintendent of Police,
Kanyakumari District, Nagercoil.

2. The Inspector of Police,
Nesamony Police Station,
Nagercoil, Kanyakumari District.

: Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondent to conduct reinvestigation in Crime No.397 of 2017 by including the real accused and by altering the section punishable under 306 of I.P.C.

For Petitioner : Mr.S.C.Herold Singh

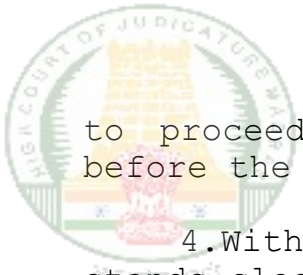
For Respondents : Mr.R.Anandharaj
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for a direction to the respondent police to complete the investigation in Crime No.397 of 2016 by including the real accused and by altering the section 306 of I.P.C.

2.The learned counsel for the petitioner would submit that on a complaint given by the complainant regarding the death of his son, a case in Crime No.397 of 2017 has been registered by the respondent police for the offences punishable under Section 174 Cr.P.C. He would further submit that since investigation was not conducted in a proper manner, he has filed this petition.

3.The learned Additional Public Prosecutor for the respondents would submit that investigation is completed and final report filed by the respondent police before the learned Taluk Magistrate (Tahsildar), Nagercoil on 10.01.2018. As per the decision of this Court in **2018 (3) MNW (Cr1) 143**, final report has to be filed before the concerned Judicial Magistrate and not before the Executive Magistrate. The second respondent shall take return of the file from the file of the Executive Magistrate (Tahsildar) Nagercoil and file the same, before the concerned Judicial Magistrate. On such filing of the final report, the concerned Magistrate shall issue notice to the defacto complainant and proceed further in accordance with law. If the petitioner is aggrieved by the final report, he is at liberty



to proceed further raising all the grounds in this application before the court below by filing a protest petition.

4. With this above observation this Criminal Original Petition stands closed.

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Sd/-

Assistant Registrar (ADI)

/True Copy/

Sub Assistant Registrar (CS-III)

To

1. The Executive Magistrate (Tahsildar),
Nagercoil.
2. The Judicial Magistrate, Nagercoil.
3. The Chief Judicial Magistrate, Kanyakumari@Nagercoil,
(for Information)
4. The Superintendent of Police,
Kanyakumari District, Nagercoil.
5. The Inspector of Police,
Nesamony Police Station, Nagercoil,
Kanyakumari District.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr. S.C. Herold Singh, Advocate Sr.No. 95613

DAS

KM/PM/SAR3/19.12.2018/2P/8C

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