



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 03.01.2018

DELIVERED ON : 10.01.2018

WEB COPY

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THE HONOURABLE MR. JUSTICE R.PONGIAPPAN

Cr1.O.P.(MD)No.9433 of 2013

M.Palaniselvi ... Petitioner/Defacto Complainant
Vs.

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

2.The Inspector of Police,
All Women Police Station (Rural),
Sankarankovil,
Tirunelveli District.

... Respondents/Complainants

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the respondents to re-open and investigate further about the petitioner's case in Crime No.10 of 2010 on the file of the second respondent which is numbered as C.C.No.52 of 2011 on the file of the Judicial Magistrate Court, Sankarankovil, by any higher official more than the rank of the second respondent under the supervision of the first respondent and conduct a fair enquiry in accordance with law.

For Petitioner : Mr.R.Narayanan

For Respondents : Mr.K.S.Duraipandian
Additional Public Prosecutor

ORDER

The petitioner herein is the de-facto complainant in C.C.No.52 of 2011, pending on the file of the Judicial Magistrate Court, Sankarankovil. The petitioner filed this petition under Section 482 Cr.P.C., in which, she seeks a direction to the respondents for re-opening the abovesaid case and for re-investigation. Further, she prayed that further investigation may be by any higher official more than the rank of the second respondent under the supervision of the first respondent herein.



2.Today when the matter came up for hearing before me, the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor, who is representing the respondent are present. Both of them represented that, as of now, the case in C.C.No.52 of 2011 is posted in the Magistrate's Court for hearing both side arguments. So, alternately, it is averred that the witnesses, who are all cited in that case were already examined.

3.In the abovesaid circumstances, if this petition is allowed in favour of the petitioner, it will prejudice the rights of the accused in the abovesaid case. A reading of entire averments made in this petition reveals that the petitioner herein has not stated anything about the illegality committed by the Investigation Officer. Hence, this Court feels that it is not a fit case for re-opening and re-investigation. Accordingly, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

- 1.The Judicial Magistrate,
Sankarankovil.
 - 2.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
 - 3.The Inspector of Police,
All Women Police Station (Rural),
Sankarankovil,
Tirunelveli District.
 - 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- +1cc to Mr.B.ROOBAN,Advocate,SR. 41289

Cr1.O.P. (MD)No.9433 of 2013
10.01.2018

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KK/SV MMS/SAR 2/22.01.2018/ 2P- 6C/