

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.14102 of 2015

M.Palanisamy

...Petitioner

-Vs-

State rep by
The DSP Grade II,
EOW, Salem District.

.... Respondent

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to set aside the order dated 29.12.2014 in C.M.P.No.2855 of 2014 in C.C.No.36 of 2013 on the file of the Special Judge TANPID, Special Court, Coimbatore on De-facto Complaint's petition dated 29.12.2014 filed under Section 173(3) Cr.P.C., for further investigation.

For Petitioner : Mr.B.Vasudevan

For Respondent : Mr.C.Raghavan,
Government Advocate (Cr1. Side)

ORDER

This petition has been filed by the de-facto complainant aggrieved by the return of the petition filed by the petitioner seeking for further investigation under Section 173(8) of Cr.P.C.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Cr1. Side) appearing on behalf of the respondent police.

3.The petition filed by the de-facto complainant seeking for further investigation is not maintainable in view of the full bench Judgment of this Court reported in Chinnathambi -vs- State of Tamilnadu in 2017(2) CTC 241. The full bench has categorically held that after the final report is taken cognizance, further investigation can be ordered only on the request made by the investigating agency and not at the instance of anyone else or suo moto by the concerned Court. This Judgment will squarely apply to the facts of the present case.

4.In view of the above, this Court does not find any reason to interfere with the order passed by the Court below returning the petition filed by the petitioner seeking for further investigation.

5.In the result, this Criminal Original Petition is dismissed and the Court below is directed to complete the proceedings in C.C.No.36 of 2013 within the period of three months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

rna

To

- 1.The DSP Grade II,
EOW, Salem District.
- 2.The Special Judge,
TANPID, Special Court,
Coimbatore.
- 3.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.14102 of 2015

KK(CO)
GMY(27/06/2019)

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