

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.19945 of 2019
and
Crl.M.P No.10232 of 2019

Vijaya

...Petitioner/Defacto complainant

Vs.

The State rep. By
Inspector of Police
All Women Police Station
Mannargudi, Thiruvarur
(Crime No.8 of 2013)

...Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to direct the respondent herein to make further investigation in S.C No.140 of 2017 on the file of the learned Mahila Court, Thiruvarur in Crime No.8 of 2013 on the file of the respondent police.

For Petitioner: Mr. Kingston Jerold.S

For Respondent: Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

This petition has been filed seeking for further investigation in Crime No.8 of 2013, which is now pending trial before the Court below in S.C No.140 of 2017.

2. It is seen from the records that the dispute is between the husband and wife and it is alleged by the petitioner that her household articles worth about Rs.30,000/- were taken away by the husband. This was specifically stated to the Investigating Officer even at the time of recording the statement under Section 161 of Cr.P.C. Eventhough the final report has been filed for an offence under Section 397 r/w 395 IPC, none of the articles were recovered by the respondent police in the course of investigation. Therefore, according to the petitioner, the case requires further investigation.

3. Heard the learned counsel for the petitioner and the

learned Additional Public Prosecutor appearing on behalf of the respondent police.

4. The reasons stated by the petitioner for further investigation, does not satisfy this Court to order for the reinvestigation. If the articles have not been recovered by the respondent police, it can be brought to the notice of the Court below and the Court below has the power to direct the police to produce the concerned articles and mark the same as material objects before the Court. It does not require a further investigation.

5. This Criminal Original Petition is disposed of by giving liberty to the petitioner to bring to the notice of the Court below the fact that the articles have not been recovered from the accused persons in the course of investigation and the Court below shall deal with the same strictly in accordance with law. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Insp Cell)

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Sub Assistant Registrar

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To

1. The Mahila Court,
Thiruvavur.

2. Inspector of Police
All Women Police Station
Mannargudi, Thiruvavur.

3. The Public Prosecutor
High Court of Madras.

+1cc to Mr.S.Kingston Jerold, Advocate, S.R.No. 64167

CRL.OP.No.19945 of 2019

and

Cr1.M.P.No.10232 of 2019

SJ(CO)
GN(30/07/2019)