



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.08.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

CRL.O.P. (MD) .No.11576 of 2019

Sudharsan

: Petitioner

Vs.

1.The Superintendent of Police,
O/o.the Superintendent of Police
Thirunelveli District.

2.The Deputy Superintendent of Police,
O/o the Deputy Superintendent of Police,
Puliyankudi Division,
Thirunelveli District.

3.The Inspector of Police,
Vasuthevanallur Police Station,
Thirunelveli District.

4.Eswaran
5.Saravanan
6.Muniyandi
7.Mahesh
8.Mariappan

: Respondents

PRAYER: Petition is filed under Section 482 of Criminal Procedure Code praying to direct the first and second respondents to take action against the third respondent to conduct fresh investigation in Crime No.132 of 2019 and file a final report.

For Petitioner : Mr.O.Sivakumar

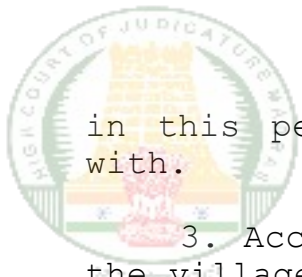
For R1 to R3 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)

ORDER

This petition has been filed seeking fresh investigation of the case in Crime No.132 of 2019.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the official respondents. Considering the nature of the order going to be passed

<https://hcservices.ecourts.gov.in/hcservices/>



in this petition, notice to the private respondents is dispensed with.

3. According to the petitioner, based on the complaint given by the villagers FIR has been registered by the third respondent police in Crime No.132 of 2019 for the offence under Section 435 Cr.P.C.. The petitioner being one of the eye witnesses for the alleged occurrence, wants to implicate the private respondents herein as accused in the present criminal case and also he submits that no statement is recorded from the petitioner.

4. Today, when the matter was taken up for hearing, the learned Government Advocate (Crl.Side) appearing for the respondents, on instructions, would submit that based on the complaint given by one Karuppasamy and other villagers, FIR has been registered in the above said crime and investigation on the same is in progress. He would further submit that already statements of four witnesses have been recorded. The petitioner is not the complainant and he cannot seek for fresh investigation.

5. Considering the fact that based on the complaint given by one Karuppasamy, FIR has been registered and investigation on the same is in progress, the petitioner, who is alleged to be an eye witness to the alleged occurrence cannot maintain a petition seeking fresh investigation. That apart this Court cannot direct the respondent police to conduct the investigation in a particular way. I find no merit in the present petition. Accordingly, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

To

- 1.The Superintendent of Police,
O/o.the Superintendent of Police
Thirunelveli District.
- 2.The Deputy Superintendent of Police,
O/o the Deputy Superintendent of Police,
Puliyankudi Division,
Thirunelveli District.



3. The Inspector of Police,
Vasuthevanallur Police Station,
Thirunelveli District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
CRL.O.P. (MD) .No.11576 of 2019
Dated:
20.08.2019

ta
JMN(29.08.2019) 3P : 5C