

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:13.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.5796 of 2020
and
Crl.M.P.No.3302 of 2020

1.Thamburaj @ Yuvaraj

2.Arul @ Manikandan ...Petitioners

Vs.

1.The Superintendent of Police,
Salem.

2.State rep by

The Inspector of Police,
Thevoor Police Station,
Salem District.

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the first respondent to order fresh or reinvestigation by some other agency in Crime No.77 of 2015 on the file of the second respondent by ignoring the final report filed in Spl.S.C.No.68 of 2019 on the file of the Mahila Court, Salem and file fresh charge sheet.

For Petitioners : Mr.R.Ezhilarasan
For Respondents : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the first respondent to order fresh or reinvestigation by some other agency in Crime No.77 of 2015 on the file of the second respondent by ignoring the final report filed in Spl.S.C.No.68 of 2019 on the file of the Mahila Court, Salem and file fresh charge sheet.

2.The case of the prosecution is that on 07.05.2015 the victim girl was forcibly raped by one Thngamuthu on the very same day at about 11.00 a.m., the petitioner and two other

persons were misbehaved with the victim girl while she was speaking in mobile phone.

3.The learned counsel for the petitioners submitted that the Original accused namely Thangamuthu, who involved in the forcible sexual intercourse with the victim girl, the investigation officer has never brought the said Thangamuthu for interrogation not even enquired on the said prosecution. He further submitted that the complaint was also not properly investigated and the investigation was conducted for nearly 3 years, in the meanwhile, the victim girl was married to the said Thangamuthu. The Investigation Officer has prepared a false statement as further statement as if Thangamuthu never committed any offence, it clearly shows that the investigation was conducted in an unfair manner.

4.The learned Additional Public Prosecutor submitted that the on the compliant alleged by the defacto complainant the second respondent registered a case in Crime No.77 of 2015 for the alleged offences under Sections 294(b), 323, 354, 506(ii) IPC and 9(g) & 10 POCSO Act 2012. After the investigation, the second respondent has filed a charge sheet and the same was taken on file in S.C.No.68 of 2019 on the file of the Mahila Court, Salem. Now the petitioner is facing trial before the trial Court, in the meantime the petitioner has filed the present petition. Therefore he prays to dismiss the petition.

5.It is seen that now the petitioner facing trial before the learned Mahila Court, Salem, at this stage the petitioner sought for a fresh or reinvestigation by some other agency.

6.Considering the facts and circumstances of this Case, this case is devoid of merits. Accordingly, the Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS III)

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Sub Assistant Registrar

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To

1. Mahila Court, Judge,
Salem.

2. The Superintendent of Police,
Salem.

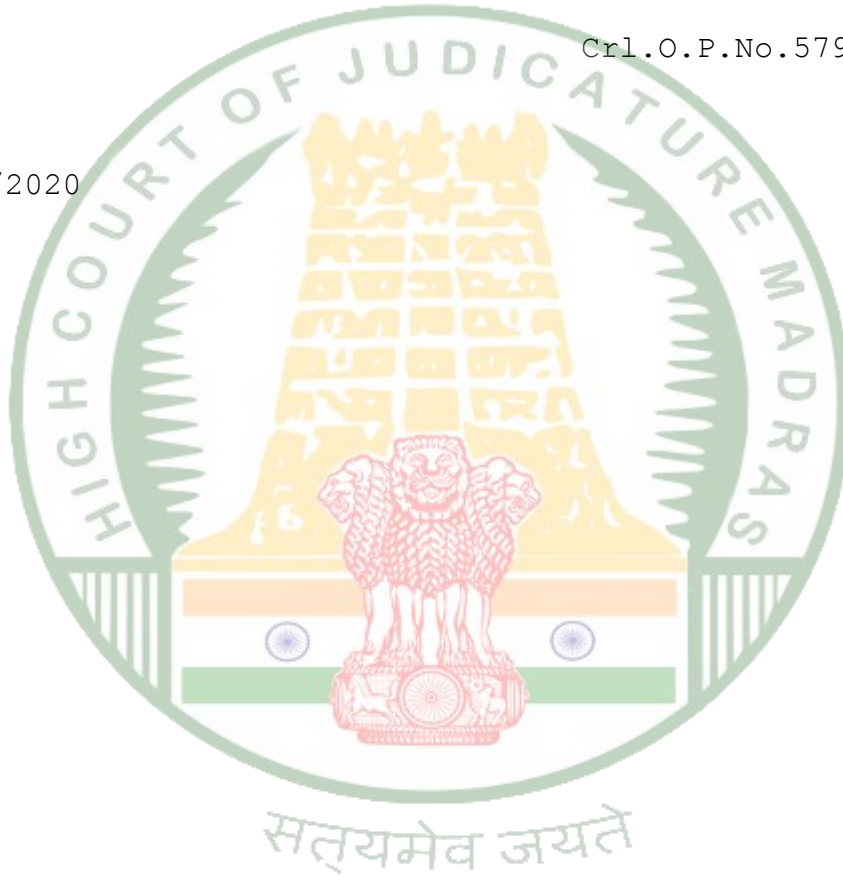
3. The Inspector of Police,
Thevoor Police Station,
Salem District.

4. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.Ezhilarasan, Advocate, S.R.No.22644

Cr1.O.P.No.5796 of 2020

MG(CO)
KKV/20/07/2020



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