



CrI.O.P.(MD) No.12946 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.07.2022

CORAM:

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

CrI.O.P.(MD).No.12946 of 2022

S.Santhi

... Petitioner

Vs

1.The Commissioner of Police,
Tirunelveli City,
Tirunelveli.

2.The Inspector of Police,
Perumalpuram Police Station,
Tirunelveli City.
(Crime No.28 of 2021).

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to call for the records relating to the final report in C.C.No. 769 of 2022 on the file of the learned Judicial Magistrate No.I, Tirunelveli and direct the second respondent to conduct further investigation and to file charge sheet afresh in Crime No.28 of 2021 on the file of the second respondent Police.

For Petitioner : Mr.P.Kalaiyarasi Bharathi

For Respondents : Mr.R.Suresh Kumar,
Government Advocate,
(Criminal Side).



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ORDER

This criminal original petition has been filed seeking to call for the records relating to the final report in C.C.No.769 of 2022 on the file of the learned Judicial Magistrate No.I, Tirunelveli and direct the second respondent to conduct further investigation and to file charge sheet afresh in Crime No.28 of 2021 on the file of the second respondent Police.

2. The facts of the case are that the petitioner is a tenant residing with her husband, daughter and son, since 1997. In the meanwhile, the landlord sold the property on 30.12.2011 and from that day onwards, the subsequent purchaser became the owner of the property in which the petitioner is residing. Thereafter, the subsequent purchaser lodged a false complaint against the petitioner and the case was registered and closed as mistake of fact. On 19.05.2020, the subsequent purchaser illegally trespassed into the petitioner's house and made damages to the household articles of the petitioner and also threatened the petitioner with dire consequences. In this regard, a complaint has been lodged by the petitioner and it was registered in Crime No.28 of 2021 for offences under Sections 147, 294(b), 448, 427, 506(i), 109 I.P.C r/w Section 4 of Women Harassment Act. Thereafter, a final



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report has been filed and the case was taken on file by the learned Judicial Magistrate No.I, Tirunelveli in C.C.No.769 of 2022.

3. The learned counsel for the petitioner submitted that the petitioner seeks a direction to conduct further investigation and to file charge sheet afresh in Crime No.28 of 2021. Hence, the present Criminal Original Petition has been filed.

4. The learned Government Advocate (Criminal Side), appearing for the respondent Police submitted that in this case, the investigation has been completed and final report has been filed and it was taken on file in C.C.No. 769 of 2022 on the file of the learned Judicial Magistrate No.I, Tirunelveli. Now, the case is posted for examining the witnesses.

5. I have considered the matter in the light of the submissions made by learned counsel for both the parties and perused the records.

6. It is seen from the records that the investigation has been completed and final report has been filed and it was taken on file in C.C.No.769 of 2022 on the file of the learned Judicial Magistrate No.I, Tirunelveli. Now, the case



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is posted for examining the witnesses on 21.09.2022. At this stage, issuing a direction to the second respondent for further investigation is inappropriate.

Therefore, the petition is closed.

7. In view of the above, this Criminal Original Petition is closed with liberty to the petitioner to approach the Trial Court and file applications to redressal his grievances.

22.07.2022

Internet: Yes
Index: Yes/No
Nsr

To

1. The Commissioner of Police,
Tirunelveli City,
Tirunelveli.
2. The Inspector of Police,
Perumalpuram Police Station,
Tirunelveli City.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

Nsr

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