



CrI.O.P.(MD) No.17604 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 20.10.2022

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.17604 of 2022

Bakthavathsalayam

...Petitioner

-VS-

1.The State of Tamil Nadu,
Represented by the Superintendent of Police,
Kanyakumari District,
Nagercoil.

2.The Deputy Superintendent of Police,
Thucklay Region,
Thucklay,
Kanyakumari District.

3.The Inspector of Police,
Kaliakavilai Police Station,
Kaliakavilai,
Kanyakumari District.
(FIR in Crime No.539 of 2009)

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the record and to the Final Report / Charge Sheet filed in C.C.No. 253 of 2010 (in respect of A1 and A2) filed in FIR in Crime No. 539 of 2009, on the file of the Judicial Magistrate No. I Kuzhithurai and



Crl.O.P.(MD) No.17604 of 2022

consequently direct the Respondents 1 to 3 to consider the Petitioner's representation dated 24.06.2022, made in respect of conducting further investigation in FIR in Crime No.539 of 2009, registered by the third Respondent Police, within the time stipulated by this Court and file Final Report / Charge Sheet afresh.

For Petitioner : Mr. P.M.Vishnuvarthanan
For Respondents : Mr. B.Nambiselvan
Additional Public Prosecutor

ORDER

This Criminal Original Petition had been filed to quash the Final Report / Charge Sheet (in respect of A1 and A2) in C.C.No. 253 of 2010 in Crime No. 539 of 2009, on the file of the learned Judicial Magistrate No. I, Kuzhithurai and consequently, to direct the Respondents to consider the Petitioner's representation dated 24.06.2022, made in respect of conducting further investigation in Crime No.539 of 2009, registered by the third Respondent Police, within a time stipulated by this Court and file Final Report / Charge Sheet afresh.

2. The learned Counsel appearing for the Petitioner submits that inspite of fact that he had mentioned the name of the accused, the



Crl.O.P.(MD) No.17604 of 2022

Respondents had not taken any steps to secure the accused. They had filed Final Report as though the accused is absconding. Therefore, he seeks direction regarding further investigation into absconding accused.

4. The learned Additional Public Prosecutor submits that based on the complaint received from the Petitioner / Defacto Complainant, three names had been mentioned regarding the accused. While filing of the Final Report, A2 absconded. Therefore, the Final Report was laid stating that A2 is absconding. Now, the case had been split. In the split up case, P.W.1 had been examined. While so, when the trial is pending, it is not fair on part of this Court to order further investigation. There is no suppression of fact by the Investigation Officer. Based on the complaint, Investigation Officer conducted fair investigation and the learned Judicial Magistrate had taken cognizance of the offences and the case had been numbered. Under these circumstances, the contention of the learned Counsel for the Petitioner seeking further investigation at this stage, does not arise. Therefore, the learned Additional Public Prosecutor sought to dismiss this petition as not maintainable.



Crl.O.P.(MD) No.17604 of 2022

5. On careful consideration of the rival submissions put forth by the learned Counsel for the Petitioner as well as the learned Additional Public Prosecutor, the prayer sought for by the Petitioner is found unacceptable in the light of the complaint, wherein the name of the accused had been stated clearly, based on the investigation, Final Report had been laid against the accused mentioned in the First Information Report, based on the materials collected by the Investigation Officer.

6. In the light of the above, nothing survives for further adjudication in this petition. Hence, this Criminal Original Petition is dismissed.

20.10.2022

Internet: Yes/No

Index: Yes/No

Indu

To

1. The Superintendent of Police,
Kanyakumari District,
Nagercoil.

2. The Deputy Superintendent of Police,
Thucklay Region,
Thucklay,
Kanyakumari District.

4/6



Crl.O.P.(MD) No.17604 of 2022

- 3.The Inspector of Police,
Kaliakavilai Police Station,
Kaliakavilai,
Kanyakumari District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD) No.17604 of 2022

SATHI KUMAR SUKUMARA KURUP.J.,

Indu

CRL.O.P (MD) No.17604 of 2022

20.10.2022