



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**
Crl.R.C.(MD)No.650 of 2021
and
Crl.M.P(MD)No.7215 of 2021

A.Ganesan

... Petitioner/Appellant/
Defacto Complainant

Vs.

The State represented by
The Assistant Commissioner of Police,
(L &O), Thilagar Thidal-P.S,
Madurai.
in Crime
No.80/2009.

...Respondent/Respondent/
Complainant

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records in pertaining to the dismissal order, dated 16.04.2021 made in Crl.M.P.No.3335 of 2017 in C.C.No.230 of 2012 on the file of the learned Judicial Magistrate No.V, Madurai and set aside the same.

For Petitioner	: Mr.A.G.Senthil Kumar
For Respondent	: Mr.B.Thanga Aravindh
	Government Advocate (Criminal Side)

O R D E R

This Criminal Revision Case has been filed to set aside the order dated 16.04.2021 made in Crl.M.P.No.3335 of 2017 in C.C.No.230 of 2012 on the file of the learned Judicial Magistrate No.V, Madurai and thereby, dismissing the petition seeking direction for further investigation.

2. The petitioner is the defacto complainant. He lodged a complaint that his brothers were attacked by one, Suresh and his gang. Therefore, they sustained injury. In this regard, when the petitioner went to the Police Station to lodge a complaint, the police official did not record any complaint and did not issue medical memo and the doctors in the Government Hospital did not treat the injured, colluding with the police. Hence the FIR has been registered in Crime No.80 of 2009 as against the police officials and doctors in Government Hospital by way of Section 156(3) Cr.P.C.



However, after completion of investigation, the respondent filed a charge sheet only as against the Inspector of Police and left the other accused persons. The said charge sheet has been taken cognizance in C.C.No.230 of 2012. However, the petitioner without filing any protest petition in respect the deletion report of other accused persons has filed the petitioner for reinvestigation by CBCID. Thereafter, the petitioner amend the prayer for further investigation. The trial Court dismissed the petition stating that the petitioner originally filed the petition seeking reinvestigation by CBCID and later seeks for further investigation which cannot be allowed for the facts of this case.

3. Considering the facts and circumstances, this Court is of the view that the trial Court had rightly dismissed the petition seeking further investigation, that too, by other investigation agency. Therefore, this Court finds no infirmity of illegality in the order passed by the Court below.

4. This Criminal Revision Case is dismissed. However, the petitioner is at liberty to invoke provision under Section 319 Cr.P.C before the trial Court after the trial. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To:

1. The Assistant Commissioner of Police,
(L &O), Thilagar Thidal-P.S,
Madurai.
2. The Judicial Magistrate No.V,
Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

The Section Officer,Criminal Section(Records),
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K. SUDALAIYANDI, Advocate (SR-18304[F] dated
12/04/2022)

Crl.R.C.(MD)No.650 of 2021
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MGJ(26.05.2022) 2P 7C

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