



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.02.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD) .No.15043 of 2021

and

Crl.MP. (MD) .No.8035 of 2021

S.Pandiaraj

... Petitioner

Vs.

1. The Superintendent of Police,
Virudhunagar District.
Virudhunagar.

2. The Sub-Inspector of Police,
Mamsapuram Police Station,
Mamsapuram, Virudhunagar District
(Crime No.170 of 2016)

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to pass an order directing the second respondent to conduct reinvestigation in respect of the case in Crime No.170 of 2016 on the file of the second respondent police and now the same is pending as S.T.C.No.949 of 2016 on the file of the learned Judicial Magistrate No.II, Srivilliputhur and file fresh final report in accordance with law.

For Petitioner : Mr.V.Sasikumar

For Respondents : Mr.R.M.Anbunithi

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the second respondent to conduct reinvestigation in respect of the case in Crime No.170 of 2016 on the file of the second respondent police and now the same is pending as S.T.C.No.949 of 2016 on the file of the learned Judicial Magistrate No.II, Srivilliputhur and file fresh final report in accordance with law.

2. On the complaint lodged by the petitioner, the second respondent registered a case in Crime No.170 of 2016 for the offences under Section 294(b), 323, 506(1) of IPC and thereafter, completed investigation and filed a final report and the same has



been taken cognizance in S.T.C.No.949 of 2016 on the file of the learned Judicial Magistrate No.II, Srivilliputhur.

3. The case of the petitioner is that no statement was recorded from the petitioner and other witnesses under Section 161(3) of Cr.P.C. Further, the occurrence said to have taken place in two different locations. However, the second respondent preferred an observation in respect of one place and omitted the other place of occurrence. Therefore, the petitioner sought for further investigation.

4. Admittedly, the second respondent completed the investigation and filed a final report and the same has been taken cognizance in the year 2016, whereas, the petitioner filed this petition after a period of 5 years seeking further investigation, that too, after examination of PW-1 to PW-4 on the side of the prosecution.

5. At the last stage, the further investigation would not serve any purpose and as such, the Criminal Original Petition is devoid of merits. This Criminal Original Petition is dismissed. However, if any offence is left out or any accused persons are left out by the second respondent, during the trial, the petitioner can very well invoke provisions under Section 216 and 319 of Cr.P.C in manner known to law. Consequently, connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Superintendent of Police,
Virudhunagar District.
Virudhunagar.

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



2. The Sub-Inspector of Police,
Mamsapuram Police Station
Mamsapuram, Virudhunagar District

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

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RD(21.03.2022) 3P 4C