

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **12.09.2022**

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THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

W.P.(MD)No.4564 of 2014
and
M.P.(MD)Nos.1 to 3 of 2014

M.Vellaichamy

... Petitioner

/Vs./

1.The District Collector,
Virudhunagar District.

2.The Sub-Divisional Magistrate cum Revenue Divisional Officer,
Madurai.

3.Inspector of Police,
Nathampatti Police Station,
Virudhunagar District.

... Respondents

PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned report submitted by the second respondent vide Na.ka.No.6559/2013/M dated 22.08.2013 and quash the same.

For Petitioner : Mr.S.Vinoth Kumar

For Respondents : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor.

ORDER

This Writ Petition was filed challenging the report of the second respondent made in Crime No.127 of 2013, which was initially registered under Section 174 of Cr.P.C.

2.Heard Mr.S.Vinoth Kumar, learned counsel appearing for the petitioner and Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor appearing for the respondents.

3.In the considered view of this Court, the report submitted by the Revenue Divisional Officer, pursuant to the inquiry under Section 174 of Cr.P.C., will only act as a piece of evidence and the conclusion arrived at in the report is neither binding on the police nor on the Court. Therefore, such a report cannot be independently challenged before this Court.

4.It is also brought to the notice of this Court that the investigation was completed in Crime No.127 of 2013 and a final report was filed before the learned Judicial Magistrate No.I, Srivilliputtur, for the offence under Section

306 IPC and the same was taken on file in P.R.C.No.22 of 2021 and the matter stood posted on 06.09.2021. It is also brought to the notice of this Court that the petitioner is the accused in the said case.

5.If according to the petitioner, no offence has been made out against him, it should be independently prosecuted by the petitioner and the report that has been filed as a piece of evidence along with final report cannot be separately challenged in a writ petition.

6.This Court does not find any merits in this writ petition and accordingly, the same is dismissed. There shall be a direction to the learned Judicial Magistrate No.I, Srivilliputtur, to commit the proceedings to the competent Court, within a period of six weeks from the date of receipt of a copy of this order. The trial Court shall complete the proceedings within a period of six months thereafter. No costs. Consequently, connected Miscellaneous Petitions are closed.

12.09.2022

Internet :Yes/No
Index :Yes/No
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N.ANAND VENKATESH, J.

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To:

- 1.The District Collector,
Virudhunagar District.
- 2.The Sub-Divisional Magistrate cum Revenue Divisional Officer,
Madurai.
- 3.Inspector of Police,
Nathampatti Police Station,
Virudhunagar District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
W.P.(MD)No.4564 of 2014

Dated:
12.09.2022