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CrI.O.P.Nos.18154 & 18367 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.Nos.18154 & 18367 of 2023

and

CrI.M.P.Nos.12037 & 12038 of 2023 & 12244 & 12246 of 2023

Prof.Dr.K.Florence
@ Florence Kannian

...

Petitioner in CrI.O.P.
No.18367 of 2023

P.Egaraj

...

Petitioner in CrI.O.P.
No.18367 of 2023

/vs/

1.The Commissioner of Police
Office of the Commissioner of Police,
Avadi Commissionerate,
Avadi, Chennai.

2.State represented by its
Inspector of Police,
T-1 Ambattur Police Station,
Chennai (Crime No.25 of 2023)

3.Armstrong

...

Respondents

(R3 impleaded as per order of this
Court dated 29.11.2023 and made
in CrI.M.P.Nos.18697 & 18698 of 2023
in CrI.O.P.Nos.18154 & 18367 of 2023)



Crl.O.P.Nos.18154 & 18367 of 2023

PRAYER : The Criminal Original Petitions have been filed under Section 482 of Cr.P.C. to call for records and set aside the charge sheet in C.C.No.83 of 2023 on the file of the Judicial Magistrate, Ambattur, Chennai and consequently, direct the 2nd respondent to conduct further investigation under the supervision of 1st Respondent in Crime No.25 of 2023 and file a fresh Final Report.

For Petitioner in Crl.O.P. ... Mr.H.Manivannan
No.18154 of 2023

For Petitioner in Crl.O.P. ... Mr.H.Manivannan
No.18367 of 2023 for Mr.G.V.Anjaneya Babu

For Respondent Nos.1 & 2 ... Mr.Leonard Arul Joseph Selvam
in both Crl.O.Ps. Government Advocate (Crl.side)

For Respondent No.3 ... Mr.P.Govindarajan
in both Crl.O.Ps.

COMMON ORDER

The petitions are filed seeking further investigation under the supervision of Commissioner of Police, Avadi Commissionarte since the first accused not satisfied with the final report filed by the second respondent on the complaint given by Armstrong stating that when the petition filed for further investigation, the petitioner has not impleaded the



defacto complainant as party, however, the defacto complainant had about the filing of this petition got himself impleaded as third respondent in these petitions.

2.Be that as it may, from the petitions, this Court finds that the first accused, who is the petitioner in Crl.O.P.No.18154 of 2023, not satisfied with the final report filed by the second respondent on the ground that certain documents were not collected by the I.O and the investigation conducted by adding the petitioner's husband as accused is against all the interest of justice. However the third respondent/ the defacto complainant has brought to the notice of this Court that even in the course of investigation, after filing the final report, further additional list of documents were furnished to the Court in C.C.No.83 of 2023, which includes the CDR details and transcript of conversation.

3.The learned Government Advocate (Crl.side) appearing for the respondents 1 & 2 submits that after further investigation and collecting the materials, final report has been filed and the same has been taken



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cognizance by the Court in C.C.No.83 of 2023 and there is no reason to order any further investigation. At any time, if some materials during the course of trial is collected or brought to the notice of the Court, the Court is competent to direct further investigation under Section 173(8) of Cr.P.C., since from the materials collected by the respondent police in the course of investigation has now been taken cognizance and trial is said to be commenced, the petition for further investigation is to be considered as at tactics to put spoke with commencement of the trial.

4.In view of the above, the petitions are dismissed, however, the dismissal of this petition shall not stand in the way of the trial Court if it finds any new material which needs further investigation or implead any person as accused. Consequently, connected miscellaneous petitions are closed.

Index : Yes/No
Internet : Yes/No
sms

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3.The Public Prosecutor,
High Court, Madras.

DR.G.JAYACHANDRAN,J.



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