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Criminal Original Petition No.20184 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.20184 of 2023
and Criminal Miscellaneous Petition No.13731 of 2023

S.Deepa

...Petitioner

Vs

1. The Superintendent of Police,
Office of the Superintendent of Police,
Coimbatore - 641 018.
2. The Deputy Superintendent of Police,
Karuthampatti Sub-Division,
Coimbatore District.
3. Inspector of Police,
Sulur Police Station, Coimbatore.

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to call for the records with regards to the final report filed in Spl. SC No. 6 of 2018 on the file of Principal District and Sessions Judge, Coimbatore and set aside the same



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consequently direct the 2nd respondent police to further investigate the case in the Crime No.6 of 2018 on his file and file fresh final report.

For Petitioner : Mr.T.N.Muralimoghan

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for re-investigation of the case in Crime No.6 of 2018, after setting aside the final report that has been taken on file by the Court below in Spl.SC No.6 of 2018.

2. Heard Mr.T.N.Muralimoghan, learned counsel for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing on behalf of the respondents.

3. The main grievance that has been expressed by the learned counsel for the petitioner is that the petitioner was harassed and was thrown out of the matrimonial home and the investigation officer has intentionally left out examining the vital eye witnesses to the incident. In view of the same, the case is going one sided in favour of the accused persons.



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4. In the instant case, the petitioner is the aggrieved person and is the injured witness and therefore, if the petitioner is able to give a cogent evidence that by itself will be sufficient for the Trial Court to take into consideration and proceed further in accordance with law. The facts of the present case does not really warrant a reinvestigation and more particularly, since the Spl SC is pending before the Court below from the year 2018 onwards. The Court below shall take into consideration the entire facts and circumstances of the case and shall reach a just conclusion based on the materials collected. Except giving this clarity, no further orders can be passed in this Criminal Original petition.

5. This Criminal Original petition is disposed of accordingly. Consequently, the connected miscellaneous petition is closed.

05.09.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
rka/spp



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To

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Coimbatore District.
3. Inspector of Police,
Sulur Police Station, Coimbatore.
4. The Public Prosecutor, High Court, Madras



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N.ANAND VENKATESH, J

rka/spp

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