



CrI.O.P.(MD)No.7170 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.07.2023**

CORAM

THE HON'BLE DR.JUSTICE D.NAGARJUN

CrI.O.P.(MD)No.7170 of 2023

A.Chidambaram

... Petitioner

Vs.

1. The Superintendent of Police,
Crime Branch CID,
SIDCO Electronic Complex,
I Floor, Guindy, Chennai 600032.
2. The Superintendent of Police,
Crime Branch CID, Sivagangai,
Sivagangai District 630562.
3. The Deputy Superintendent of Police,
Crime Branch CID, Madurai Range
Madurai, (Near PWD Office Madurai)
Thallakulam, Madurai 625002.
4. The Inspector of Police,
Crime Branch CID South,
Master Plan Complex, Tiruppatur Road,
Sivagangai Collectarate,
Sivagangai District 630562.

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pursuant to the charge sheet in CC No.189/2022 pending on the file of the Learned Judicial



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Magistrate No.II at Sivagangai and set aside the same and consequently direct the respondents 3 to 4 to conduct further Investigation.

For Petitioner : Mr.R.Sagadevan

For Respondents : Mr.S.S.Madhavan
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition is filed seeking for quashment of charge sheet in CC No.189/2022, pending on the file of the learned Judicial Magistrate No.II, Sivagangai and for a consequential direction to the respondents 3 and 4 to conduct further investigation.

2. The facts in brief as can be gathered from the record would go to show that the petitioner, who is the Managing Director of M/s.Kathirvel Textiles Spinning Mill Private Limited (in short "Spinning Mill") went to his spinning mill for physical inspection and found that one Kandeegan, who has worked as a Care-taker of the said spinning mill, committed theft of certain machineries. Subsequently, basing on a complaint given by the petitioner on 15.02.2019, a case has been registered in Crime No.24 of 2019 for the offences punishable under Sections 406, 420 and 380 r/w. 34 of IPC, against the said Kandeegan,



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Kalanjiam and two others.

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3. Being dissatisfied with the investigation done by the police, the petitioner has filed a petition in CrI.O.P.9175 of 2019 before this Court, seeking for a direction to transfer the investigation from the Sub-Inspector of Police, Nachiyarpuram Police Station to Crime Branch Crime Investigation Department (CBCID) South, Sivagangai District and same was allowed by this Court. The case was re-registered in Crime No. 1 of 2020 and after conducting the investigation, charge sheet has also been filed in C.C.No.189 of 2022 on the file of learned Judicial Magistrate-II, Sivagangai.

4. According to the petitioner, the fourth respondent/Inspector of Police (CBCID) South, without conducting proper investigation has filed a defective charge sheet against Kalanjiam, who has played a major role in the theft of mill machineries. Aggrieved over the same, the petitioner has filed the present petition.



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5. Learned Government Advocate (Crl. Side) submits that the police have completed investigation as per the law and having concluded that the accused have committed the offences under Sections 406, 420 and 380 r/w. 34 of IPC, charge sheet has been filed and that there is no basis for the contention of the petitioner that the police have done defective investigation.

6. Normally, the Courts will not interfere in the investigation process being done by the police. After filing of the charge sheet, the Courts will start examining all the issues concerning with the investigation. Once investigation is completed, the police are required to file the final report under Section 173 of Cr.P.C. On going through the said final report is not satisfied in the manner of which the investigation was concluded, the Court either can *suo motu* or on application of defacto complainant direct the police to further investigate under Section 173(8) of Cr.P.C.

7. According to the petitioner herein, the police have done defective investigation. In case if the investigation done by the police is



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perverse and against the settled principles, then this Court can certainly interfere. The defacto complainant has approached this Court for a direction for further investigation terming the investigation done by the police is bad. As already observed, in case if the defacto complainant is not satisfied with the investigation done by the police is at liberty to approach the learned Magistrate Court under Section 173(8) of Cr.P.C. Seeking for relief of further investigation. But the petitioner has not chosen to avail benefit under Section 173(8) of Cr.P.C., instead, he is directly approached this Court. No reasons explained as to why he has to file application under Section 482 of Cr.P.C. instead of filing an application before the learned Magistrate under Section 173(8) of Cr.P.C.

8. Therefore, the petitioner is directed to approach the learned Magistrate Court/trial Court and file appropriate application for further investigation as per law.

24.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PKN



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4. The Inspector of Police,
Crime Branch CID South,
Master Plan Complex, Tiruppatur Road,
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Sivagangai District 630562.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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DR.D.NAGARJUN,J

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