



Crl.O.P.(MD) No.8238 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.10.2023

CORAM:

THE HONOURABLE DR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.8238 of 2023

Murugan

...Petitioner

Vs.

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

2.The Inspector of Police,
Rajapalayam North Police Station,
Rajapalayam,
Virudhunagar District.

3.Senthilkumar

...Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records with regard to the final report in CC No.153 of 2021 on the file of the Judicial Magistrate Court, Rajapalayam and set-aside the same and direct the 2nd respondent, conduct further investigation of the case Crime No.692 of 2020 pending on the file of the 2nd respondent within the stipulated period as prescribed by this Hon'ble Court and file final report afresh.



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For Petitioner :Mr.M.M.Manivelpandian
For Respondent :Mr.M.Sakthi Kumar for R1
Government Advocate (Crl. Side)

ORDER

This criminal original petition has been filed challenging the final report filed by the respondent in C.C.No.153 of 2021 on the file of the Judicial Magistrate Court, Rajapalayam.

2.Seeking reinvestigation or further investigation as the case may be, this petition has been filed on the ground that Section 307 IPC has not been included, even after lapse of two years of presentation of the final report. So far no progress has been made. Report has been called for from the trial Court in this regard. The report reads that the case was taken cognizance in C.C.No.153 of 2021 and posted for appearance of accused. After prolonged adjournment, now it is posted for framing of charges on 02.12.2023.

3.The learned Government Advocate (Crl. Side) would submit that it is case in counter case. In the counter case, the trial has already over and it was posted for 313 Cr.P.C questioning.



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4.Now the grievance of the petitioner is that during the pendency of the above said trial process, threat has been made by the third respondent herein to the daughter of this petitioner stating that he will done her to death. On the basis of the above said threat, he made the complaint. But, no proper steps have been taken.

5.The learned Government Advocate (Crl. Side) would submit that the above said complaint will be enquired on its own merits.

6.Let the above said complaint be enquired by the respondent police immediately and dispose of on its own merits.

7.Since already trial is going to commence before the trial Court, there is no question of further investigation. What ever grievance the petitioner is having, he can set out the same during the trial proceedings. Depending upon the evidence to be given by the petitioner and the prosecution, let further action be taken, if so required. I find no reason to entertain this petition at this stage, of course with the



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above said liberty and direction to the respondent.

8.Accordingly, this criminal original petition stands disposed of.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

11.10.2023

TM

To

1.The Judicial Magistrate, Rajapalayam.

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

3.The Inspector of Police,
Rajapalayam North Police Station,
Rajapalayam,
Virudhunagar District.

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



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G.ILANGOVA. J.

TM

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