



WEB COPY



Criminal Original Petition No.3127 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.3127 of 2024

P.Vishwanathan
S/o.Ponnurangam

... Petitioner

Vs.

1.The Commissioner of Police,
O/o.The Commissioner of Police,
Avadi City, Avadi, Chennai - 600 054.

2.The Assistant Commissioner of Police,
O/o.Assistant Commissioner of Police,
Poonamallee, Chennai - 600 056.

3.State represented by
The Inspector of Police,
T-12 Poonamallee Police Station,
Poonamallee, Chennai - 600 056.
Crime No.2746 of 2012

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to direct the third respondent to conduct further investigation in the above case in Crime No.2746 of 2012 on the file of the third respondent police and include all the accused person, who have committed the offence and file a fresh FIR against the accused persons.

For Petitioner : Mr.V.R.Appaswamee



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For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking a direction to the third respondent to conduct further investigation in Crime No.2746 of 2012 on the file of the third respondent police.

2. Heard Mr.V.R.Appaswamee, learned counsel for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for respondents.

3. Learned Additional Public Prosecutor, on instructions, submitted that originally there was one accused against whom the First Information Report was registered. During the course of investigation, the accused person died. Therefore, the charge abated. However, subsequently, it came to light that the accused person executed a settlement deed in favour of the wife and daughter. In view of the same, the petitioner is seeking for further investigation in this case.

4. Taking into consideration the facts and circumstances of the



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case, there shall be a direction to the third respondent to see if the cause of action survives as against the wife and daughter in whose favour the settlement deed has been executed and if any offence is made out against them, investigation can be proceeded further in the First Information Report. However, it is made clear that the third respondent must first satisfy himself that the cause of action survives and cognizable offence is made out as against the wife and children of the deceased. Only thereafter, he can proceed further with the investigation. If not, the original status can be maintained.

This Criminal Original Petition is disposed of with the above direction.

21.02.2024

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

gm

N.ANAND VENKATESH, J

gm



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- 2.The Assistant Commissioner of Police,
O/o.Assistant Commissioner of Police,
Poonamallee, Chennai - 600 056.
- 3.The Inspector of Police,
T-12 Poonamallee Police Station,
Poonamallee, Chennai - 600 056.
Crime No.2746 of 2012
- 4.The Public Prosecutor,
High Court, Madras.

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