



Criminal Original Petition No.5647 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.5647 of 2024

and

Crl.M.P.No.4112 of 2024

B.Vidhya

D/o.Balakrishnan

... Petitioner

Vs.

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

2.The Inspector of Police,
All Women Police Station,
Vedhranyam, Nagapattinam,
Nagapattinam District.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to call for records of the final report filed in S.C.No.31 of 2024 on the file of learned Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Nagapattinam District and set aside the same and consequently, direct the second respondent police to further investigate the case in Crime No.14 of 2023 on the file of second respondent.



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For Petitioner : Mr.R.Naresh Kumar

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This petition has been filed seeking for further investigation in Crime No.14 of 2023 on the file of second respondent.

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

3. Learned counsel for petitioner submitted that the case is at the stage of framing of charges.

4. The Apex Court in *Vinubhai Haribhai Malaviya and others v. State of Gujarat and another [2020 (3) SCC Crl 228]* has held that the trial Court itself has the power to order for further investigation till the commencement of the trial. Therefore, if a ground is made out by the petitioner for further investigation, it is left open to the trial Court to order further investigation. Hence, this Court does not want to exercise



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its jurisdiction u/s.482 Cr.P.C. Except giving this clarity, no further orders can be passed.

Accordingly, this Criminal Original Petition is disposed of.

14.03.2024

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

gm

To

- 1.The Sessions Judge,
Magalir Neethi Mandram
(Fast Track Mahila Court),
Nagapattinam District.
- 2.The Superintendent of Police,
Nagapattinam,
Nagapattinam District.
- 3.The Inspector of Police,
All Women Police Station,
Vedhranyam, Nagapattinam,
Nagapattinam District.
- 4.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J.

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