



Crl.O.P.(MD)No.2773 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2024

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD) No.2773 of 2023
and Crl.M.P.(MD) No.5968 of 2023

Vanathi

... Petitioner

Vs.

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

2. The Inspector of Police,
Sayalkudi Police Station, Sayalkudi,
Ramanathapuram District.
(Crime No.181 of 2018).

3. The Deputy Superintendent of Police,
CBCID Police, Madurai Range,
Thallakulam, Madurai District.

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertains to the case in Crime No.181/2018 on the file of R2 with regard to the final report filed by the Respondent which was taken into file as SC no.81/2021 on the file of the Principal District and Sessions Court.

For Petitioner : Mr.K.P.Krishnadoss

For Respondents : Mr.A.Albert James

Government Advocate (Crl. Side)

Mr.D.Balamurugapandi

for Impleading petitioner



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ORDER

This petition has been filed seeking to set aside the final report filed in S.C.No.81 of 2021 on the file of the Principal District and Sessions Court, Ramanthapuram, and for directing further investigation by CBCID and to file a fresh final report.

2.Heard the learned counsel for the petitioner and the learned Government Advocate appearing on behalf of the respondents.

3.The petitioner is the defacto complainant. The case of the petitioner is that a meeting was held by the elders of the village pertaining to a dispute about irrigating paddy fields. Due to this dispute, on 21.10.2018, the accused persons came to the house of the defacto complainant with deadly weapons to attack the younger brother of the petitioner's husband. Since they were not able to find him, the petitioner was abused in filthy language and huge damage was caused to the property and to the vehicle. Based on the complaint given by the petitioner, an FIR came to be registered in Crime No.181 of 2018. Ultimately, on completion of investigation, a police report was filed before the learned Judicial Magistrate, Kadaladi, as against 13 accused



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persons for offences under Sections 147, 148, 294(b) and 354 of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act, 1998 and Section 3(1) of the Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992.

4.The main grievance that is expressed by the petitioner is that the original complaint given by the petitioner was burked and fabricated complaint is now projected by the respondent police. That apart, huge loss was caused due to damage of the properties and whereas, the respondent police have mentioned the total loss as Rs.1,76,000/-.

5.In the considered view of this Court, the grievance that has been expressed by the petitioner need not result in a fresh investigation. The actual complaint that was given by the petitioner and the actual loss that was sustained by the petitioner, can always be established before the trial Court. In such an event, the trial Court has sufficient powers to even alter the charges. If any fresh investigation is ordered at this stage, nothing will come out of it since the incident is of the year 2018. Therefore, ordering for a fresh investigation will not benefit the petitioner. Hence, this Court is not inclined to exercise its



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jurisdiction under Section 482 of Cr.P.C. for this purpose.

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6.As observed above, the petitioner can always go into the witness box and speak about the original complaint that was given by the petitioner and also the actual loss that was sustained by the petitioner due to damage to the properties. This observation will sufficiently take care of the grievance of the petitioner.

7.It is also made clear that any observations made by this Court on merits in this petition will not have any bearing and the trial Court shall deal with the case on its own merits and in accordance with law.

8.In the result, this Criminal Original Petition is disposed of with the above observations. Consequently, connected miscellaneous petition is closed.

18.11.2024

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

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(Crime No.181 of 2018).
3. The Deputy Superintendent of Police,
CBCID Police, Madurai Range,
Thallakulam, Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.ANAND VENKATESH,J.

PKN

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Dated: 18.11.2024
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