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CrI.O.P.No.7659 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2025

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.O.P.No.7659 of 2023

Wesly

Vs

.... Petitioner

1. State of Tamil Nadu
Represented by Commissioner of Police,
Salem City, Salem.

2. The Inspector of Police,
Kannankurichi Police Station,
Salem.

.... Respondents

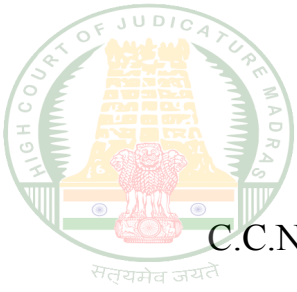
Prayer: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to C.C.No.12 of 2022 on the file of Judicial Magistrate IV, Salem and set-aside the same and consequently direct the respondents to re-investigate the case based on the complaint of the petitioner dated 20.02.2023.

For Petitioner : Mr.C.K.M.Appaji

For Respondents : Mr.R.Vinothraja
Government Advocate (CrI.Side)

ORDER

This Criminal Original Petition has been filed to quash the



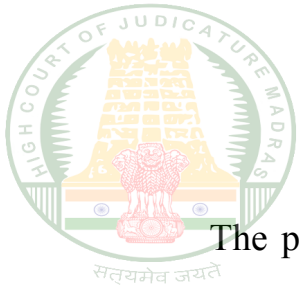
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C.C.No.12 of 2022 on the file of the Judicial Magistrate No.IV, Salem,
thereby taken cognizance for the offences under Sections 147, 294(b),
342, 427, 506(i) of IPC.

2. Heard the learned counsel appearing on either side and
perused the materials available on record.

3. The petitioner is an accused. The grievance of the petitioner
is that though there is no material to attract the offence under the
TNPPDL Act, the second respondent failed to consider the same and did
not file a final report for the the said offence. However, quashing the
entire proceedings at this stage would not serve any purpose. Further, the
petitioner can very well invoke the provisions under Sections 216 and
319 of Cr.P.C. before the Trial Court during the course of trial.

4 In view of the above, re-investigation cannot be ordered
since it is not permissible under the Criminal Procedure Code. Hence,
this Criminal Original Petition stands dismissed. However, the Trial
Court is directed to proceed with the trial and complete the same within a
period of three months from the date of receipt of a copy of this order.



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The petitioner is at liberty to invoke the provisions under Sections 216 and 319 of Cr.P.C after the examination of prosecution witnesses, if so advised.

05.02.2025

Lpp
Index: Yes/No
Internet: Yes/No

To

1. The Judicial Magistrate No.IV,
Salem.
2. The Commissioner of Police,
Salem City, Salem.
3. The Inspector of Police,
Kannankurichi Police Station,
Salem.
4. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN,J.

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