



CrI.O.P.No. 2208 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.O.P.No.2208 of 2025

K.Srinivasa Gounder

... Petitioner

Vs.

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

2.The Inspector of Police,
Sankari Police Station,
Salem District.
(Crime No.29 of 2023)

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 to call for the final report filed in C.C.No.331 of 2023 on the file of the Judicial Magistrate -I, Sankari, Salem District and set aside the same and consequently transfer the investigation in Crime No.29 of 2023 from the respondent police to any



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other investigating agent for further investigation and to file the final report a fresh to secure the ends of justice.

For Petitioner : Mr.Kalaikovan

For Respondents : Mr.S.Vinoth Kumar,
Government Advocate (crl.side).

ORDER

This petition has been filed seeking to set aside the final report filed in C.C. No. 331 of 2023 on the file of the Judicial Magistrate -I, Sankari, Salem District and a direction to transfer the investigation in Crime No. 29 of 2023 from the file of the second respondent to any other investigating agency for further investigation.

2. The learned counsel for the petitioner submits that the petitioner is the complainant, and based on the complaint lodged by the petitioner, the second respondent registered a case in Crime No. 29 of 2023 for offences under Sections 294(b), 323, 427, and 506(1) of the IPC. The second respondent, after completing the investigation, filed the final



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report, and the same has been taken cognizance in C.C. No. 331 of 2023.

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The only grievance of the petitioner is that, though there is material to attract other offences, the second respondent filed the final report for the offences under Sections 294(b), 323, 427, and 506(1) of the IPC.

3. The learned Government Advocate (criminal side) submits that the occurrence itself happened due to the consumption of alcohol by both the petitioner and the accused. Further, there is no material to attract other offences that would necessitate filing a final report for them.

4. Heard both sides and perused the materials placed before this Court.

5. Considering the facts and circumstances of the case, this Court is of the view that the direction sought by the petitioner cannot be granted, as there is insufficient material to attract other offences. Accordingly, this Criminal Original Petition stands dismissed. However, the petitioner is at liberty to invoke the provisions of Sections 216 and



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319 of the Cr.P.C. before the Trial Court during the course of the trial.

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Neutral citation : Yes/No
Speaking/non-speaking order
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To
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1. Judicial Magistrate -I, Sankari, Salem District
2. The Superintendent of Police,
Salem District,
Salem.
3. The Inspector of Police,
Sankari Police Station,
Salem District.
4. The Public Prosecutor,
High Court, Madras.

G.K.ILANTHIRAIYAN, J.



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