



WEB COPY

CRL RC No. 2594 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-12-2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CRL RC No. 2594 of 2025

Kanthavel

Petitioner(s)

Vs

1. State rep. by
the Sub Inspector of Police
Edaikal Police Station,
Ulundurpet Taluk, Kallakurichi District.

2.Thandapani

Respondent(s)

PRAYER Criminal Revision Case filed under Section 438 r/w. 442 of B.N.S.S, 2023, to set aside the judgement of the judicial Magistrate No.I, Ulundurpet in CrI.M.P.No.218 of 2025 in C.C.No.177 of 2023 dated 14.08.2025 and direct the Sub Inspector of Police, Edaikal Police Station, Ulundurpet Taluk , Kallakurichi District to conduct further investigation in Cr.No.27 of 2023 in C.C.No.177 of 2023.

For Petitioner(s): S.Ramajayam

For Respondent(s): Mr.C.E.Pratap,
Government Advocate (Crl. Side)
for R1

ORDER

The petitioner challenges the dismissal of the petitioner's application filed under Section 173 (8) Cr.P.C., seeking further investigation.



2. The petitioner is the de facto complainant. On the complaint of the petitioner, the respondent Police registered an FIR in Crime No.27 of 2023 and filed the final report in C.C.No.177 of 2023 for the offences punishable under Sections 447 and 435 I.P.C. It is the case of the petitioner that although three persons were involved in the alleged offence, the respondent Police have filed the final report as against only one accused and hence he filed an application before the learned Judicial Magistrate I, Ulunthurpet to direct the respondent Police to investigate further. The learned Magistrate dismissed the said application on the ground that the petitioner had filed this petition for further investigation two years after the cognizance has been taken by the learned Magistrate and no ground has been made for further investigation.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent Police.

4. This Court expressed to the learned counsel for the petitioner that the petitioner would be entitled to file an application under Section 319 of Cr.P.C., before the learned Magistrate for summoning any other person, if evidence recorded in the trial disclose the involvement of the said person in the offence. The learned counsel therefore, sought for liberty to file an application under Section 319 of Cr.P.C., during the trial.



5. In view of the same, the Revision is disposed of with liberty to the petitioner to invoke Section 319 Cr.P.C., to summon any other person as accused if his involvement is revealed during the course of the trial.

6. With the above observation, this Criminal Revision Case is closed.

15-12-2025

vum

Index: Yes/No

Speaking/Non-speaking order

To

1. The Sub Inspector of Police
Edaikal Police Station, Ulundurpet
Taluk, Kallakurichi District

2. The Public Prosecutor,
Madras High Court, Chennai.



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SUNDER MOHAN J.

vum

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