



Crl.O.P.(MD)No.4856 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :17.03.2025

CORAM :

THE HON'BLE MR.JUSTICE P. DHANABAL

Crl.O.P.(MD) No.4856 of 2025

S.Satheshkumar

... Petitioner

Vs.

1. The State of Tamil Nadu,,
Rep. by the Superintendent of Police,
Tenkasi District,
Tenkasi.

2. The Inspector of Police,
Sankarankoil Town Police Station,
Tenkasi District.
Crime No. 7 of 2022

3. Navaneetha Krishnan

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to direct the 2nd respondent to do further investigation in Crime No.7 of 2022 on the file of the 2nd respondent by considering the order passed by this Court in Crl.O.P.(MD). No.2504 of 2022 dated 04.02.2022 and order passed by the Court of State Commissioner for Persons with Disabilities, Chennai in File No. 0705/L.O/2022 dated 20.07.2023.



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For Petitioner : Mr.Raja. Karthikeyan
For R-1 & R2 : Mr.R.M.Anbunithi
Additional Public Prosecutor (Crl. Side)

ORDER

This Criminal Original Petition has been filed by the petitioner to direct the 2nd respondent to do further investigation in Crime No.7 of 2022 on the file of the 2nd respondent by considering the order passed by this Court in Crl.O.P.(MD). No.2504 of 2022 dated 04.02.2022 and order passed by the State Commissioner for Persons with Disabilities, Chennai in File No.0705/L.O/2022 dated 20.07.2023.

2. The learned counsel appearing for the petitioner would submit that the petitioner is a differently able person and he lodged a complaint against the 3rd respondent before the 2nd respondent and they registered a case in Crime No.7 of 2022 for the offences under Section 294(b), 323, 352 and 506(1) of IPC. The 2nd respondent has failed to include appropriate Sections in F.I.R and thereby, he approached this Court in Crl.OP (MD) No.2504 of 2022 and this Court also passed an order dated 04.02.2022. Thereafter, the petitioner has approached the State Commissioner for Persons with Disabilities, Chennai and the Commissioner has also recommended to take



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action for including the Section 92 of the Rights of the Persons with Disabilities Act, 2016, but the 2nd respondent has not taken any steps.

Therefore, he has filed this petition for further investigation in this case.

3. The learned Government Advocate (Criminal Side) appearing for the respondents no. 1 and 2 would submit that the investigation in this case was already completed and filed final report before the learned Judicial Magistrate, Sankarankoil and the case has been taken on file in C.C.No. 1233 of 2022 in the year 2022 itself. Thereafter, the petitioner has approached the Authorities under the Rights of the Persons with Disabilities Act, 2016 and an order was passed on 20.07.2023. By that time, they have also completed the investigation and the case is pending before the learned Judicial Magistrate, Sankarankoil, therefore, there is no scope for further investigation. As far as the further investigation is concerned, there are no materials for further investigation, and the petitioner cannot seek for further investigation and the concerned Investigating Officer has to decide as to whether further investigation is necessary or not. Therefore, the petition is liable to be dismissed.

4. Considering the limited prayer sought for in this petition, this Court even without issuing notice to the private respondent no.3 inclined to

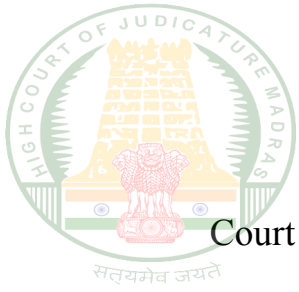


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pass orders.

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5. According to the petitioner, he is a differently able person and he is entitled to the relief under the Rights of the Persons with Disabilities Act, 2016 and Section 92 of the said Act is not included in this case. Therefore, he has filed this petition for further investigation. As far as the locus standi of the petitioner to file this petition for further investigation is concerned, the petitioner cannot seek further investigation and it is for the Investigating Officer to approach the Court for further investigation, if any additional documents are available. In this case, it is a admitted fact that already the investigation has been completed and filed final report in the year 2022 itself and thereafter, the Authorities under the Act has also passed an order dated 20.07.2023 after taking cognizance by the Trial Court. Therefore, at this stage, it is not appropriate to consider the representation of the petitioner. However, it is for the Trial Court to frame appropriate charges with the available records. If any materials available under the Rights of the Persons with Disabilities Act, 2016, it is for the Trial Court to take appropriate decision while framing the charges. According to the petitioner, Section 4 of the Tamil Nadu Prohibition of Women Harassment Act and Section 92 of the Rights of the Persons with Disabilities Act, 2016 have not been included. If any material available in the final report, it is for the Trial



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Court to take appropriate decision at the time of framing charges. In view of the same, this criminal original petition is disposed of.

17.03.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes

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To

1. The Judicial Magistrate, Sankarankoil

2. The Superintendent of Police,
Tenkasi District,
Tenkasi.

3. The Inspector of Police,
Sankarankoil Town Police Station,
Tenkasi District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P. DHANABAL, J.

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