



Crl.O.P(MD)No.4705 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

Crl.O.P(MD)No.4705 of 2025

and

Crl.M.P(MD)No.3374 of 2025

A. Suresh Kumar

... Petitioner

Vs

**1. The State of Tamil Nadu,
Rep. by the Inspector of Police,
Karungal Police Station,
Kanyakumari District.
Crime No. 106/2022.**

2. S. Sutharsan David

... Respondents

PRAYER: Criminal Original petitions have been filed under Section 528 of BNSS to call for the records and set aside the Final Report in S.T.C. No. 172 of 2023, on the file of the Court of Judicial Magistrate, Eraniel and conduct further investigation of the case in Crime No. 106 of 2022, on the file of the Karungal Police Station.



WEB COPY



Crl.O.P(MD)No.4705 of 2025

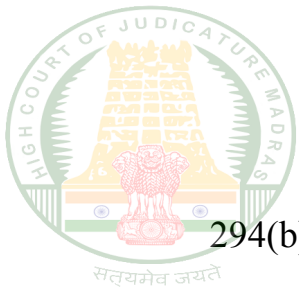
For Petitioner : Mr.John Jeya Kumar
for Mr.Alexander.T,

For R1 : Mr.M.Sakthi Kumar
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed seeking to set aside the final report in S.T.C. No. 172 of 2023, on the file of the learned Judicial Magistrate, Eraniel and conduct further investigation of the case in Crime No. 106 of 2022, on the file of the Karungal Police Station.

2.The learned Counsel for the petitioner would submit that the petitioner is the defacto complainant in this case and based on his complaint, initially, the first respondent has registered an FIR in Crime No.106 of 2022 for the offences under Section 447, 294(b), 323, 379 and 506(1) of IPC and thereafter, the respondent police without conducting proper investigation, filed the final report for the offences under Sections



Crl.O.P(MD)No.4705 of 2025

294(b), 506(1) and 352 of IPC. However, the chain was also snatched by

the second respondent but the appropriate section was not included.

Therefore, the proceedings in S.T.C. No. 172 of 2023 is liable to be quashed and further investigation has to be ordered in this case.

3.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that in this case, after completion of investigation, it is found that there are no materials to include the offence under Section 379 of IPC and therefore, the final report has been filed only for the offences under Sections 294(b), 506(1) and 352 of IPC and the trial Court has taken cognizance in S.T.C. No. 172 of 2023.

4.Considering the limited scope of the prayer sought for in this petition, this Court, without even issuing notice to the private respondent, is inclined to pass orders.

5.According to the petitioner, he lodged a complaint against the second respondent, for which, an FIR in Crime No.106 of 2022 for the offences under Sections 447, 294(b), 323, 379 and 506(1) of IPC and thereafter, the investigation officer failed to file charge sheet for the



Crl.O.P(MD)No.4705 of 2025

relevant provisions of law and only filed the charge sheet for Sections 294(b), 506(1) and 352 of IPC.

6.The petitioner being the defacto complainant has approached this Court for further investigation. However, it is for the investigation officer to approach the concerned Magistrate to get permission for conducting further investigation and the petitioner cannot file such application. However, the main contention of the petitioner is that the chain was snatched by the second respondent and the same has not been considered by the investigation officer. While so, if the petitioner during the investigation disclosed about the same, it is for the trial Court to take cognizance for the particular offence based on the materials available in the final report.

7.Therefore, it is for the trial Court to decide what are all the offences made out based on the materials available in this case. Therefore, there are no grounds to quash the proceedings in S.T.C.NO. 172 of 2023, pending on the file of the learned Judicial Magistrate, Eraniel and to order for further investigation.



Crl.O.P(MD)No.4705 of 2025

8. Accordingly, this Criminal Original Petition is dismissed at the admission stage itself. Consequently, connected miscellaneous petition is closed.

13.03.2025

Internet : Yes
Index : Yes/No
NCC : Yes/No
LR

To

1. The Judicial Magistrate, Eraniel.
2. The State of Tamil Nadu,
Rep. by the Inspector of Police,
Karungal Police Station,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P(MD)No.4705 of 2025

P. DHANABAL, J.

LR

Crl.O.P(MD)No.4705 of 2025

13.03.2025