

Crl.R.C.(MD).No.626 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 03.04.2025

PRONOUNCED ON : 13.06.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.626 of 2024

M.Pandiselvi

... Petitioner/Petitioner

Vs.

The Sub-Inspector of Police,
Railway Police Station,
Ramanathapuram,
Ramanathapuram District.

: Respondent/Respondent

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to call for the records pertaining to the order passed in Cr.M.P.No. 3442 of 2022, dated 03.02.2023, on the file of the Judicial Magistrate, Rameshwaram, Ramanathapuram District and set aside the same and direct the respondent to further investigation in Cr.No.12 of 2020.



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For Petitioner : Mr.B.Mahendrarajan
For Respondent : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)

ORDER

This Criminal Revision is directed against the order passed in Cr.M.P.No. 3442 of 2022, dated 03.02.2023, on the file of the District Munsif cum Judicial Magistrate, Ramanathapuram, dismissing the petition filed under Sections 190(1)(b) r/w 173(8) and 156(3) Cr.P.C.

2. On the basis of the complaint lodged by one Narmadha, wife of M.Ganagapandi, F.I.R., came to be registered in Cr.No.12 of 2020 on 03.03.2020 under Section 174 Cr.P.C., on the file of the Railway Police Station, Rameshwaram. The respondent police, after completing the investigation, by holding that the complainant's husband's death is an accidental death, filed a final report as further action dropped. The petitioner – mother of the deceased Ganagapandi has filed the above petition under Section 190(1)(b) r/w 173(8) and 156(3) Cr.P.c., seeking re-investigation in the case registered in Cr.No.12 of 2020 alleging that his son was murdered by some persons, but the final report came to



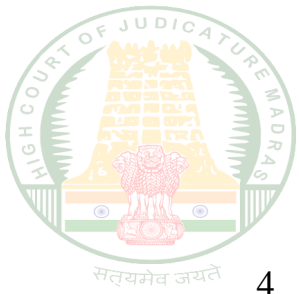
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be filed as accidental death and that the re-investigation is sought for in pursuance of the orders passed by the Madurai Bench of Madras High Court in Crl.O.P.(MD)No.10434 of 2020, dated 18.12.2021. In the said petition, the petitioner has highlighted suspicious circumstances surrounding her son's death, alleging that the investigation and the final report were improper and illegal.

3. At the outset, it is pertinent to note that the petitioner in the above petition filed Cr.M.P.No.3442 of 2022, has sought for re-investigation to the case in Cr.No.12 of 2020, on the file of the respondent police. It is evident from the records that the petitioner has earlier filed petition before this Court in Crl.O.P. (MD)No.10434 of 2020 seeking transfer of investigation and particularly to the CBCID police, Ramanathapuram and this Court, while disposing the said petition on 18.12.2021 has observed

“ since further action has been dropped and a report has already been filed, the transfer of investigation at this stage may not arise and the petitioner has to work out her remedy before the concerned Court through appropriate proceedings.”



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4. It is further evident that subsequent to the orders of this Court, the petitioner has moved a similar application before the Principal District Court, Ramanathapuram in Cr.M.P.No.113 of 2022 seeking transfer of investigation and the learned Principal Sessions Judge, by observing that since the High Court has already rejected the transfer prayer, the petitioner can approach the concerned Court for appropriate reliefs. According to the petitioner, in pursuance of the directions of the High Court as well as the Principal Sessions Court, the above petition seeking re-investigation came to be filed before the jurisdictional Court. It is pertinent to note that neither the High Court nor the Principal Sessions Court has directed the petitioner to approach the jurisdictional Magistrate Court for re-investigation.

5. As already pointed out, this Court, taking note of the filing of the negative final report, directed the petitioner to work out remedy before the concerned Court through appropriate proceedings. As rightly contended by the learned Government Advocate (Crl.Side), the petitioner can file a protest petition challenging the negative final report or file a private complaint under Section 200 Cr.P.C., but the petitioner instead of taking those steps has again sought for re-investigation. It is settled law that the Judicial Magistrate has no power or



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jurisdiction to order fresh investigation/re-investigation/denova investigation, but only order further investigation. Hence, as rightly observed by the learned Magistrate, the prayer for re-investigation cannot legally be sustained.

6. It is evident from the records that the learned Magistrate, though he was not having any power to order re-investigation, considering the grievance of the petitioner, has directed the respondent police to conduct further investigation and to file an additional or further report and in pursuance of the same, the respondent police conducted further investigation and filed a supplementary report. As rightly contended by the learned Government Advocate (Crl.Side), in the further investigation, the Investigating Officer has investigated all the suspicious circumstances raised by the petitioner and came to a decision that it is only an accidental death.

7.The petitioner alleged that the deceased wife, Narmadha, administered slow poison to her husband. However, the postmortem and viscera reports contradict this claim, indicating no poisonous substances were detected. The postmortem report attributed the death to head injuries likely caused by an accident, and the viscera report specifically stated that no poison was detected.



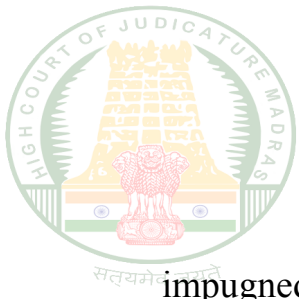
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8. As the Government Advocate (Criminal Side) rightly pointed out, it's unnecessary to delve into each plea raised by the petitioner. Notably, despite this Court's directions, the petitioner failed to file a protest petition or objection to the original final report or the supplementary report, even after further investigation was ordered.

9. It is not in dispute that in pursuance of the orders passed by this Court in Crl.O.P.(MD)No.19877 of 2022, cellphone of the deceased Ganagapandi came to be produced before the jurisdictional Magistrate Court. The learned Magistrate has specifically observed that even after the production of the cellphone, the petitioner has not taken any steps for using the cellphone as evidence. It is not the case of the petitioner that they have filed an application to send the cellphone to forensic lab to extract the contents or to find out the call details.

10. Considering the final report and the supplementary final report and also the materials available on record and also taking note of the fact that the petitioner has not filed any protest petition challenging the final reports, the



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impugned order dismissing the petition cannot be found fault with.

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Consequently, this Court concludes that the Criminal Revision is devoid of merits and the same is liable to be dismissed.

11. In the result, the Criminal Revision Case is dismissed.

13.06.2025

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

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To

1. The Judicial Magistrate, Rameshwaram,
Ramanathapuram District.
2. The Sub-Inspector of Police,
Railway Police Station,
Ramanathapuram,
Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

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Pre-Delivery order made in

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