



CRL OP(MD). No.15476 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 16.10.2025

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL.O.P.(MD)No.15476 of 2025

and

CrI.M.P.(MD)No.12606 of 2025

Jeyaseeli

Vs.

... Petitioner

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

2.The Inspector of Police,
District Crime Branch,
Nagercoil,
Kanyakumari District,
Crime No.37/2022

... Respondents



CRL OP(MD). No.15476 of 2025

WEB COPY

PRAYER :- Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct further re-investigation in C.C.No.1634 of 2022, on the file of the learned Judicial Magistrate Court No.I, Nagercoil in Crime No.37 of 2022, on the file of the second respondent police by the Deputy Superintendent of Police, Nagercoil or by some other police officer.

For Petitioner : Mr.C.Sankar Prakash

For Respondents : Mr.R.Meenakshi Sundaram

Additional Public Prosecutor

ORDER

The petition has been filed to set aside the order passed by learned Judicial Magistrate, by which the learned Magistrate has dismissed the petitioner / de-facto complainant's application for further investigation.

2.The grievance of the petitioner is that the investigating officer had not examined certain vital witnesses during the course of



CRL OP(MD). No.15476 of 2025

investigation and that if those witnesses are not examined, the petitioner would be put to irreparable loss.

3.The learned Additional Public Prosecutor, per contra, submitted that the petitioner may be permitted to assist the prosecution and bring to the notice of the learned Magistrate and if the petitioner is able to satisfy that additional witnesses have to be examined, learned Magistrate can always exercise his powers under Section 311 Cr.P.C.

4.The respondents have filed the final report as against two accused. It is not the case of the petitioner that any other accused is involved in the offence. The only grievance as stated above is, certain vital witnesses have been left out in the investigation. As rightly submitted by the learned Additional Public Prosecutor, this Court is of the view that the petitioner can always assist the prosecution. It is needless to say that if the petitioner is able to satisfy that there are other witnesses, whose examination would be relevant, the learned Magistrate may exercise his powers under Section 311 of Cr.P.C.



CRL OP(MD). No.15476 of 2025

WEB COPY

5.With the above observation, this Criminal Original Petition is disposed of. Consequently, the connected miscellaneous petition is closed.

16.10.2025

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

MR



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CRL OP(MD). No.15476 of 2025

To

1.The Judicial Magistrate Court No.I,
Nagercoil.

2.The Superintendent of Police,
Kanyakumari District,
Nagercoil.

3.The Inspector of Police,
District Crime Branch,
Nagercoil,
Kanyakumari District,

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



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CRL OP(MD). No.15476 of 2025

SUNDER MOHAN,J

MR

**ORDER
IN
CRL OP(MD) No.15476 of 2025**

Date : 16.10.2025