

M.P.No.1 of 2015 in
Crl.OP Nos.1828 and 15473 of 2015

P.N.PRAKASH, J.

On a complaint lodged by Mini R.C., the respondent police registered a case in Cr.No.298 of 2014 on 01.07.2014 for offences under Sections 465, 467, 468 r/w 120B IPC and took up the investigation. According to Mini R.C., the investigation was proceeding in a lackadaisical manner without any progress and so, she filed Crl.OP No.1828 of 2015 for a direction to the police to complete the investigation and file a Final Report or *inter alia* for transfer of the investigation. In the said petition, this Court passed the following order on 29.01.2015:

"2. It is submitted by the learned Government Advocate [Crl.side] representing the respondent Police that certain documents are to be collected, hence, six months' time may be granted for filing final report.

3. Recording the above said submission, this Criminal Original Petition is disposed of, by directing the respondent-Police to file final report on or before 30.06.2015."

2. Mini R.C. once again filed Crl.OP No.15473/2015 before this Court contending that the investigation had not progressed and prayed for transfer of the investigation. When Crl.O.P.No.15473 of 2015 was taken up for hearing, the learned Additional Public Prosecutor submitted that, Mini R.C. is not co-operating with the police for enquiry and therefore, they were not able to make much headway. This was strongly refuted by Ms.Asha, learned counsel appearing for Mini R.C., who submitted that, Mini R.C. has submitted all the records to the police, despite which they have not made any progress in the investigation.

3. On 25.06.2015, the learned Additional Public Prosecutor submitted

that the police had issued an enquiry notice asking Mini R.C. to appear before them and that she had not responded . Recording the submission, this Court passed the following order in Crl.O.P.15473 of 2015 :

"6. Under such circumstances, this Court directs the petitioner/defacto complainant to appear before the respondent police 29.06.2015 onwards and submit all the documents, that are necessary for the investigation and co-operate with the same."

4. Now the police have filed M.P.No.1 of 2015 in Crl.O.P.No.1828 of 2015 for extension of time by six months for completing the investigation. The reason given by the police for extension of time in this application is that Mini R.C. did not appear before them for enquiry despite notice to her to produce several records. Ms.Asha, learned counsel appearing for Mini R.C. refuted the assertion of the Investigating Officer and submitted that, all the documents were given to the police and there is no necessity to give any other document or appear for enquiry.

5. To a pointed question posed by this Court, whether Mini R.C. appeared before the police pursuant to the order of this Court dated 25.06.2015 in Crl.O.P.No.15473 of 2015 from 26.02.2015 onwards, the answer was in the negative. Thus it is clear that, Mini R.C. for reasons best known to her is not appearing before the respondent police for enquiry. Hence, the police is seriously handicapped. It is the assertion of Ms.Asha that, all the documents that are required by the police for investigation have been handed over and there are no further documents to be handed over to the police.

In view of this categorical stand taken by Mini R.C., no useful purpose will be served by extending the time for investigation. Hence, this petition is

dismissed. The police is directed to proceed with the case with the available records and take action by filing appropriate report before the concerned Magistrate.

08.07.2015

P.N.PRAKASH, J.

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