

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2015

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.19043 of 2015

Vembuvizhivendhan

...Petitioner/Defacto Complainant.

Vs.

The Inspector of Police,
Veeraganur Police Station,
Salem District.

... Respondent/Respondent.

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C to direct the respondent police to expedite the investigation and to file the Charge sheet within a stipulated time in Crime No.330/2011 pending on the file of Inspector of Police, Veeraganur Police Station, Salem District.

For Petitioner : Mr.A.Devnarendaran
For Respondent : Mr.C. Emalias
Addl. Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the respondent police to expedite the investigation and to file the Charge sheet within a stipulated time in Crime No.330/2011 pending on the file of the Inspector of Police, Veeraganur Police Station, Salem District.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent.

3. Today, Mr.G.Srinivasan, Inspector of Police, Veeraganur Circle, Salem District, is present before this Court.

4. The learned Additional Public Prosecutor submitted that the respondent police registered a case in Crime No.330 of 2011 for offence under Section 324 I.P.C for the alleged incident took place on 09.09.2011. There is also a counter case in Crime No.329 of 2011, in which, the respondent police completed the investigation and filed a final report before the concerned Magistrate against the petitioner, who is the defacto-complainant in Crime No.330 of 2011.

5. As regards crime No.330 of 2011, it appears that the learned Judicial Magistrate No.I, Athur, Salem, has closed the prosecution under Section 468 Cr.P.C on 06.12.2014 as three years have lapsed after the alleged incident. Therefore, when the police went to file the final report after completing the investigation in Crime No.330 of 2011, they came to know that the learned Judicial Magistrate has closed the case on 06.12.2014. Prima facie on investigation discloses that an offence under Section 324 I.P.C has been committed.

6. Under such circumstances, the respondent police is directed to file a final report along with a petition under Section 473 Cr.P.C before the learned Judicial Magistrate No.I, Athur, within a period of two weeks from the date of receipt of a copy of this order and on such petition being filed, the learned Judicial Magistrate is directed to pass appropriate orders in accordance with law.

In view of the above direction, the criminal original petition is closed.

sms

s/d-
Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police,
Veeraganur Police Station,
Salem District.
2. The Judicial Magistrate No.I,
Athur.
3. The Chief Judicial Magistrate,
Salem.
4. The Public Prosecutor
High Court, Madras.

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