

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.09.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.19338 of 2015

Sumathi

... Petitioner

Vs

- 1.The Superintendent of Police,
Vellore District, Vellore.
- 2.The Deputy Superintendent of Police,
Gudiyatham.
- 3.The Sub Inspector of Police,
Melpatti Police Station,
Gudiyatham.
- 4.Inspector of Police,
Gudiyatham Town Police Station,
Gudiyatham.

... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C.,
praying to direct the respondents to investigate the case in
Cr.No.2124 of 2010 on the file of the Sub Inspector of Police,
Melpatti and to file final report.

For Petitioner : Mr.D.Rajagopal

For Respondent : Mr.C.Emalias, APP

O R D E R

This petition has been filed to direct the respondents to file
final report in Cr.No.2124 of 2010.

2. Heard the learned counsel for the petitioner; learned
Additional Public Prosecutor for the respondents and perused the
materials placed on record.

3. It is seen that the respondent police have filed Status
Report, wherein, in paragraph Nos.7, 8 and 9, it is stated as follows:

"7. I submit that in the meantime, de facto complainant/petitioner's husband filed a direction petition before this Hon'ble Court in CrI.OP.No.17007/2010 seeking prayer to transfer investigation with regard to complaint filed before the learned Judicial Magistrate, Gudiyatham in CMP.No.5529 of 2009 and the same was ordered on 10.08.2010 stating that

"3. ... the case in Crime No.2124/2010 on the file of the first respondent shall be transferred to the file of the Inspector of Police, Gudiyatham, who shall conduct the investigation in the case and proceed further in accordance with law. The investigation shall be supervised by the jurisdictional Superintendent of Police."

It is pertinent to note that there is no such Crime No.2124/2010 in Melpatti Police Station. Actually, based on the order of this Hon'ble High Court and complaint of de facto complainant, a case was registered in Melpatti Police Station Crime No.224/2010.

8. I submit that the said Melpatti Police Station Crime No.224/2010 was closed as "Mistake of Fact" by the investigation officer on 02.08.2010 and also the same was informed to the de facto complainant and also file the said case before the Judicial Magistrate, Gudiyatham and in turn they have served notice to the de facto complainant to appear before them on 21.06.2011, since the de facto complainant did not appear before them, they have closed the said case on 21.06.2011 in Court RC's No.7/2011.

9. I submit that as per the allegation of petitioner with regard to return of copy application No.413/2015 before the learned Judicial Magistrate, Gudiyatham is concerned, as stated supra.

[i] There is no such Melpatti Police FIR in Crime No.2124/2010 was registered against the petitioner's husband complaint.

[ii] Further the de facto complainant/petitioner's husband was died, the petitioner filed the above said copy application seeking copy of FIR Crime No.2124/2010, the fact is that the petitioner's husband made complaint before the learned Judicial Magistrate, Gudiyatham in CMP.No.5529 of 2010 and the same was forwarded to the 3rd respondent police station and a case was registered in Melpatti Police Station Crime No.224/2010 and the same was properly investigated and closed through proper channel in accordance with law by the investigation officer by

Melpatti Police Station RC's No.12/2010 dated 02.08.2010 and the learned Judicial Magistrate, Gudiyatham RC's No.7/2011 dated 21.06.2011."

4. Mr.Rajagopal, learned counsel for the petitioner contended that, despite the order passed by this Court in Crl.OP.No.17007 of 2010 on 10.08.2010, the respondent police have proceeded with the investigation and have closed the same and therefore, the action of the respondent is not in accordance with the order passed by this Court.

5. On a careful reading of the order dated 10.08.2010, passed by this Court in Crl.OP.No.17007 of 2010, it is seen that directions have been issued in connection with Crime No.2124 of 2010. But whereas, the case in hand relates to Crime No.224 of 2010. There has been some error. It is seen that the RCS notice has been filed before the learned Judicial Magistrate, Gudiyatham and it was accepted on 21.06.2011.

Hence, this petition is closed, with liberty to the petitioner to workout her remedies in the manner known to law.

gya

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

- 1.The Superintendent of Police,
Vellore District, Vellore.
- 2.The Deputy Superintendent of Police,
Gudiyatham.
- 3.The Sub Inspector of Police,
Melpatti Police Station, Gudiyatham.
- 4.The Inspector of Police,
Gudiyatham Town Police Station, Gudiyatham.
- 5.The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.D.Rajagopal, Advocate SR 51215
svi(co)
prk6/10

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