

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2015

CORAM:

THE HON'BLE MR.JUSTICE R.SUBBIAH

Cr1.O.P.No.28749 of 2015

Gomathi

... Petitioner

Vs

The State Rep. by
The Inspector of Police,
Yethapur Police Station,
Salem District.

... Respondent

Prayer :

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the respondent police to complete the investigation and file final report in crime No.498 of 2015 pending on the file of the respondent police.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.C.Emalias

Additional Public Prosecutor

ORDER

This petition is filed praying for a direction to the respondent police to complete the investigation and file final report in crime No.498 of 2015 pending on the file of the respondent police.

2.The petitioner herein lodged a complaint as against one Malarvizhi, Mektha Sivagami, Ramachandran, Aravindh and his two sons for the alleged offence punishable under Sections 147, 148, 323, 354 of IPC. The said complaint was registered in Crime No.498 of 2015 on 29.08.2015. The accused has also lodged a counter complaint against this petitioner in Crime No.497 of 2015. The police has completed the investigation in the counter complaint and filed the charge sheet before the learned Judicial Magistrate, Attur and the same was taken on file in C.C.No.154 of 2015, but no action was taken on the complaint in Crime No.498 of 2015. Hence, this petition.

3.The learned Additional Public Prosecutor submitted that on

completion of investigation Referred Charge Sheet has been filed before the concerned Magistrate Court as 'mistake of fact', but since the petitioner refused to receive the copy of the Referred Charge Sheet notice, the Magistrate has returned the Referred Charge Sheet filed by the respondent police. He has also produced a copy of the Referred Charge Sheet containing the seal of the Magistrate Court.

4.I have heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor.

5.In view of the submissions made by the learned Additional Public Prosecutor, the respondent police is directed to file the Referred Charge Sheet before the concerned Magistrate Court after serving on the notice of Referred Charge Sheet to the petitioner within a period of two weeks from the date of receipt of a copy of this order. On filing of the Referred Charge Sheet before the concerned Magistrate Court, the petitioner is at liberty to work out her remedy before the concerned Magistrate Court.

6.With the above observation, this Criminal Original Petition is disposed of.

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Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
Yethapur Police Station,
Salem District.

2.The Public Prosecutor
High Court, Madras.

+1 C.C.to M/S.E.KANNADASAN Advocate sr.no.65796

Cr1.O.P.No.28749 of 2015

PUR(CO)

AN 29/12/2015