



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Crl.M.P.(MD) No.7943 of 2017
in
Crl.O.P.(MD) No.5525 of 2017

Sri Devi

... Petitioner/Petitioner

Vs.

1. The Inspector of Police
Kollencode Police Station
Kanyakumari District.

2. Suresh
S/o.Devadhas ,
The Assitant Superintendent of Police,
Thuckalay Sub Division
Thuckalay,
Kanyakumari District.

... Respondents/Respondents

Prayer: Petition filed under Section 482 of Code of Criminal Procedure to recall the order dated 05.06.2017 passed in Crl.O.P(MD) No.5525 of 2017.

Prayer in Crl.O.P. (MD) No.5525 of 2017:

Criminal Original Petition filed under Section 482 of the Cr.PC for praying of the FIR in Crime No.168/2016 on the file of the 1st Respondent Police.

For Petitioner	: Mr.J.Anandhavalli
For R1	: Mr.K.Anbarasan Government Advocate(Crl.side)
For R2	: Mr.G.Rajaraman

ORDER

This Criminal Miscellaneous petition has been filed to recall the order dated 05.06.2017 passed by this Court in Crl.O.P(MD) No.5525 of 2017, which was filed to quash the FIR in Cr.No.168 of 2016 on the file of the first respondent police.

2. When the matter was taken up for hearing, the learned Additional Public Prosecutor submitted that the investigation in Cr.No.168 of 2016 was completed and a charge sheet was also filed on



25.11.2016 before the learned Judicial Magistrate, Padmanabapuram. Recording the said submission, the quash petition was closed on 05.06.2017, by granting liberty to the petitioner to work out her remedy in the manner known to law.

3. The learned Counsel for the petitioner however stated that no charge sheet has been filed by the respondent police and that the copy application filed by him to furnish a copy of the same was returned by the Court below with an endorsement that the charge sheet has not been filed.

4. It is common knowledge of everyone that a copy of the charge sheet may not be furnished to the accused, unless the same is taken on file.

5. Consequently, the learned Government Advocate (Crl. Side), now on instructions, clearly submitted that the charge sheet has been taken on file in C.C.No.168 of 2016 by learned Judicial Magistrate, Padmanabapuram.

6. In such circumstances, this Court does not find any merits in this case and there is no scope for recalling the earlier order. In view of the same, this Criminal Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To:

1. The Inspector of Police,
Kollencode Police Station,
Kanyakumari District.
2. The Additional Public prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO M/s.J.ANANTHAVALLI, ADVOCATE IN SR No. 76187
+ 1 CC TO Mr.G.RAJARAMAN, ADVOCATE IN SR No. 75946

RM/DAS

TE/KP/SAR-III : 18/09/2017 : 2P/5C

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Crl.O.P.(MD) No.5525 of 2017
01.09.2017