



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.05.2017

CORAM:

THE HON'BLE MR.JUSTICE P.N.PRAKASHCrl.O.P.(MD) No.10381 of 2016

D.Rajammal Sahayam

... Petitioner

-vs-

1. The Superintendent of Police,
O/o. The Superintendent of Police,
Kanyakumari District.
2. The Deputy Superintendent of Police,
O/o. The Deputy Superintendent of Police,
Nagercoil
kanyakumari District.
3. The Inspector of Police,
Kottar Police Station,
Kanyakumari District,
(Crime No.1242 of 2004)

.. Respondents

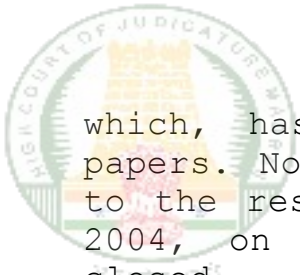
PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. Praying to direct the Respondent No.1 to conduct Fresh De Nova Investigation in Crime No.1242 of 2004 U/ss.467, 468, 471 and 420 of IPC on the file of the Respondent No.3 dated 21.07.2004 and file a final report before the Jurisdictional Magistrate within the time stipulated by this Court.

For Petitioner : Mr.Pinaygash
For Respondents : Mr.A.P.Balasubramani
Govt. Advocate (crl.side)

O R D E R

This petition has been filed seeking to direct the 1st respondent to conduct a fresh de-nova investigation in Crime No.1242 of 2004 under Sections 467, 468, 471 and 420 of IPC on the file of the 3rd respondent dated 21.07.2004 and file a final report before the Jurisdictional Magistrate.

2. On the complaint lodged by the petitioner, the respondent police registered a case in Crime No.1242 of 2004 under Sections 467, 468, 471 and 420 of IPC against one accused. Thereafter, after completing the investigation, the respondent police filed a closure report in Crime No.1242 of 2004 on 25.08.2004, a copy of



which, has been annexed by the petitioner in the typeset of papers. Now, the petitioner is before this Court for a direction to the respondent police to reopen the case in Crime No.1242 of 2004, on the ground that the investigation was perfunctorily closed.

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3. In the considered opinion of this Court, the petitioner/defacto complainant should have filed a protest application on the closure report filed by the Police in the year 2004, which he has not done. That apart, the complaint was closed in the year 2004 and this petition has been filed only on 03.06.2016 after a laches of about 11 years. Therefore, this is not a fit case in which re-investigation should be ordered. Hence, this petition is dismissed with liberty to the petitioner to work out her remedy before the Civil Court, if any.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To:

1. The Superintendent of Police,
O/o. The Superintendent of Police,
Kanyakumari District.
2. The Deputy Superintendent of Police,
O/o. The Deputy Superintendent of Police,
Nagercoil
kanyakumari District.
3. The Inspector of Police,
Kottar Police Station,
Kanyakumari District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.O.P. (MD) No.10381 of 2016
04.05.2017

JM/SV/SAR 3/11.05.2017/2P/5C