



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2017

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

CRL.O.P. (MD) No. 3290 of 2017

WEB COPY

M. Suseelarani

: Petitioner

-Vs-

State rep. by
The Inspector of Police,
Austinpatti Police Station,
Madurai District.
In Cr.No.447 of 2015.

: Respondent

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code praying to direct the respondent to file the final report in Cr.No.447 of 2015, dated 18.11.2015 pending on the file of the respondent police within the time limit as fixed by this Court.

For Petitioner

: Mr.R.Aravindan

For Respondent

: Mr.A.P.Balasubramani,
Government Advocate (Crl.side)

O R D E R

Based on the general direction issued by this Court in Crl.O.P.(MD)No.14601 of 2014, the respondent police has registered a case in Crime No.447 of 2015, on 18.11.2015, under Sections 409 and 420 of the Indian Penal Code in respect of an incident that is said to have taken place on 29.12.2006 in connection with the alleged sale of the petitioner's property under SARFAESI Act without following due procedure. Now, the petitioner is before this Court for a direction to the respondent police to complete the investigation and file a charge sheet in Crime No.447 of 2015 expeditiously.

2. On a reading of the First Information Report, it is seen that the allegation of the petitioner is that her property was illegally brought to sale under SARFAESI Act by the Indian Bank, Kovilpatti Branch and that the accused are said to have purchased the property in the year 2006.

(*)"3. In the opinion of this Court, the remedy that is available to the petitioner is not before the police, but, is before the appropriate forum, if at all, there is



any....."(*) The transactions, on the face of it, appear to be civil in nature and, therefore, this Court cannot issue a direction to the respondent police to file a charge sheet. However, the respondent police is directed to complete the investigation and either file a closure report or a final report, as the case may be, within a period of three months from the date of receipt of a copy of this order.

4. This Criminal Original Petition is disposed of with the above direction.

Sd/-

Assistant Registrar(CSIII)

(*)MODIFIED AS PER THE ORDER OF THIS

COURT DATED: 19/04/2017 MADE IN

CRL MP. (MD)No.3308 of 2017 by PNPJ.,

Sd/-

Assistant Registrar(CSIII)

/True Copy/

Sub-Assistant Registrar

To

TO BE SUBSTITUTED TO THE ORDER ALREADY DESPATCHED ON 5/4/2017

1.The Inspector of Police,
Austinpatti Police Station, Madurai District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC TO MR. R.ARAVINDAN,ADVOCATE,SR N.17249

SML

MAS/RR/SAR3:04.04.2017:2P-4C

KK SKN RSK SAR 3/20/04/2017

2P 4C

Order made in
CRL.O.P. (MD)No.3290 of 2017
Dated: 22.03.2017