



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Crl.O.P(MD).No.9510 of 2017

WEB COPY

S.Lourdhu Mary @ Rani

... Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Surveyor Colony/K.Pudur,
Madurai - 625 007.

2.The Sub Inspector of Police,
Y.Othakadai Police Station,
Y.Othakkadai - 625 107,
Madurai District.
(In Crime No.392/08)

... Respondents

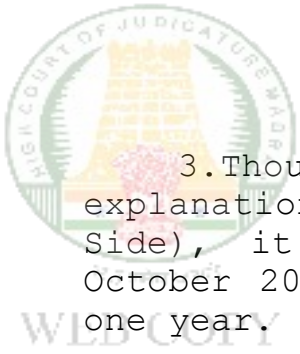
PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code to direct the 2nd respondent to file Final Report in connection with Crime No.392 of 2008 dated 13.10.2008 pending on his file, before the jurisdictional Judicial Magistrate, namely, learned Judicial Magistrate, Melur, within the time frame stipulated by this Court.

For Petitioner : Ms.G.Thiagarajan
For Respondents : Mr.K.Anbarasan,
Government Advocate (Crl. Side)

ORDER

This writ petition has been filed for a direction to the second respondent to file Final Report in connection with Crime No.392 of 2008 dated 13.10.2008. On the basis of the complaint given by the petitioner, a case was registered in Crime No.392 of 2008 on 13.10.2008 as against the accused Nos.1 and 2 for alleged offences punishable under Sections 363, 342, 427, 324, 294(b) and 506(ii) IPC. It is stated that the second respondent has not taken any steps to file a Final Report. It is further stated that due to the alleged occurrence, the petitioner is still unable to go to her house legitimately belonging to her and is staying at her relatives house as a refugee for more than 8 years.

2.The learned Government Advocate (Crl. Side) on instructions submitted that the enquiry was completed even in the year 2008 and it was closed as mistake of fact on 13.10.2008. It is submitted that they communicated the closure report to the petitioner. Thus, it is confirmed that the complaint was closed as mistake of fact even in the year 2008.



3. Though there is a long delay in the process and no valid explanation is offered by the learned Government Advocate (Crl. Side), it is represented that for the alleged occurrence in October 2007, complaint was lodged only after a period of nearly one year.

4. The learned counsel for the petitioner would submit that the case was registered only after the petitioner approached this Court seeking a direction to register a case.

5. Without going into the issues, this Court is of the view that no further direction is required as the respondent police has taken a specific stand that the complaint was closed about 9 years back.

6. In view of the submission made by the learned Government Advocate (Crl. Side) that the second respondent police has filed a report stating that the case was closed as mistake of fact, and the same is also handed over to the learned counsel for the petitioner, this criminal original petition is closed. However, the petitioner has an opportunity to work out her remedy in the manner known to law.

Sd/-

Assistant Registrar (AD II)

/True copy/

Sub Assistant Registrar

To:

1. The Judicial Magistrate, Melur.

2. The Superintendent of Police,
Office of the Superintendent of Police,
Surveyor Colony/K. Pudur,
Madurai - 625 007.

3. The Sub Inspector of Police,
Y. Othakadai Police Station,
Y. Othakkadai - 625 107,
Madurai District.
(In Crime No. 392/08)

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

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