

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Writ Appeal Nos.609 and 610 of 2017

Common Judgment: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

These appeals, under Clause 15 of the Letters Patent, are preferred against the orders passed by the learned Single Judge directing the official respondents to complete the investigation and to file a final report in accordance with law and without arresting the respondents-writ petitioners. The appellant herein is the 3rd respondent in the writ petitions and is the complainant in FIR No. 177 of 2016. It is her grievance that the orders under appeal were passed even without putting her on notice and without giving her an opportunity of being heard.

While the submission urged by Sri D. Anil Kumar, learned counsel for the appellant, cannot be said to be without merit, the Supreme Court in **Ram Kishan Fauji vs. State of Haryana**¹, has held that an appeal, under Clause 15 of the Letters Patent, is not maintainable against the exercise of criminal jurisdiction by the learned Single Judge. We must therefore, express our inability to entertain these appeals. However, as held by the Supreme Court in **Rama Krishna Fouji**¹, the appellant is entitled to avail such other remedies as are available to her under law.

Subject to the above observations, the writ appeals fail and they are, accordingly, dismissed. Miscellaneous Petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(Dr. SHAMEEM AKTHER, J)

27th April, 2017

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¹ Judgment in Civil Appeal No. 4288 of 2017 dated 21.3.2017

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