

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.225 of 2018

G.Vimala
W/o.Gunasekar

.. Petitioner

Vs

The State rep. by
The Inspector of All Women Police
All Women Police Station
Tambaram, Chennai.

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., praying to set aside the final report dated 04.12.2017 in Crime No.34 / 2017 and properly investigate and file a report before this Honourable Court.

For Petitioner : Mr.K.Jayakumar

For Respondent : Mrs.Kritika Kamal.P
Government Advocate (Crl.Side)

O R D E R

This Criminal Original Petition has been filed seeking to set aside the final report dated 04.12.2017 in Crime No.34 of 2017.

2. On the complaint lodged by the petitioner, the Inspector of Police, All Women Police Station, registered a case in Crime No.34 of 2017 on 17.11.2017 under Sections 406, 420, 384 and 506(i) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act, 2002, against one Gunasekaran and his wife Manju.

3. Since the petitioner was not satisfied with the progress of the investigation, he has filed Crl.OP.No.27131 of 2017 for transferring the investigation to the C.B.C.I.D / C.B.I. During the pendency of this petition, the Inspector of Police, All Women Police Station has completed the investigation in Crime No.34 of 2017 and has filed a closure report, closing the case as "mistake of fact". The closure report has been filed before the Judicial Magistrate, Tambaram.

4. While so, the petitioner has filed the present petition to set aside the closure report.

5. The learned counsel for the petitioner submitted that the petitioner has filed a protest application before the Judicial Magistrate, Tambaram, but, however, the Magistrate, has not entertained the protest application on the ground that the petition filed by the petitioner in CrI.OP.No.27131 of 2017 to transfer the investigation to the C.B.C.I.D / C.B.I. is pending.

6. Today, this Court has dismissed the Criminal Original Petition No.27131 of 2017. Hence, there can be no impediment for the Magistrate to entertain the protest application filed by the petitioner.

7. Accordingly, this Criminal Original Petition is closed with a direction to the Judicial Magistrate, Tambaram to entertain the protest application filed by the petitioner within a period of four weeks from the date of receipt of a copy of this order and deal with the same in accordance with the law laid down by the Supreme Court in Vinay Tyagi v. Irshad Ali [(2013) 5 SCC 762].

Sd/-

Assistant Registrar(CS IX)

//True copy//

Sub Assistant Registrar

mk

To

1.The Inspector of All Women Police
All Women Police Station
Tambaram, Chennai.

2.The Government Advocate (CrI.Side)
High Court, Madras.

+2cc to Mr.K.Jayakumar, Advocate SR.No.24243

CRL.OP.No.225 of 2018

GN(10/04/2018)