

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.16919 of 2018

Elizabeth

.. Petitioner

Vs

State rep. by

1. The Superintendent of Police,
Ariyalur District,
Ariyalur.

2. The Inspector of Police,
Aandimadam Police Station,
Ariyalur District.
[Crime No.341 of 2012]

.. Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the respondent to investigate the case in Crime No.341/2012 and to file a Charge Sheet U/s.173(2) of Crl.P.C., before the Jurisdictional Court.

For Petitioner : Mrs.E.Udayasankari

For Respondents : Ms.Kritika Kamal

Govt. Advocate [Crl. Side]

O R D E R

On the complaint given by the petitioner, the respondent Police registered a case in Crime No.341 of 2012 for offence under Section 435 of IPC on 12.07.2012. While so, the petitioner has filed the present petition for a direction to the respondent Police to file a charge sheet.

2.Heard Mr.Sivakumar, learned counsel for the petitioner and the learned Government Advocate [Crl. Side] appearing for the respondents.

3.The Police have filed a Status Report, wherein, it is stated as follows:

"... 5.It is submitted that based on the statements of the witnesses, the then Investigation Officer came to know that the complainant's Eucalyptus field burned due to an accidental fire of electrical

wire spark. Due to the previous enmity between the complainant and accused persons, namely, Gnanamuthu [A1] and Anthonyraj [A2], the complainant made a false complaint against them. Hence the case was referred as "MISTAKE OF FACT" by the then Special Sub Inspector of Police on 12.07.2012 and the same was informed to the complainant through R.C.No.5 of 2012. ..."

4.Mr.Sivakumar contended that the FIR was registered on 12.07.2012 and on the very same day itself, the investigation has been closed and therefore, there is foul play.

5.This Court gave its anxious consideration to the rival submissions. In this case, no one was injured and it is the allegation of the petitioner that his eucalyptus tree was set on fire by the accused. Just because, the investigation has been completed expeditiously on the same day, the same cannot be doubted.

6.In this case, the Police have recorded the statement of six witnesses and had come to the conclusion that on account of electric fire, the eucalyptus tree got burnt and on account of previous enmity, the petitioner is implicating Gnanamuthu and Anthonyraj.

7.In such view of the matter, this is not a fit case to direct the respondent Police to file a charge sheet and this petition is closed with liberty to the petitioner to workout her remedy before the civil forum.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

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To

1. The Superintendent of Police,
Ariyalur District,
Ariyalur.

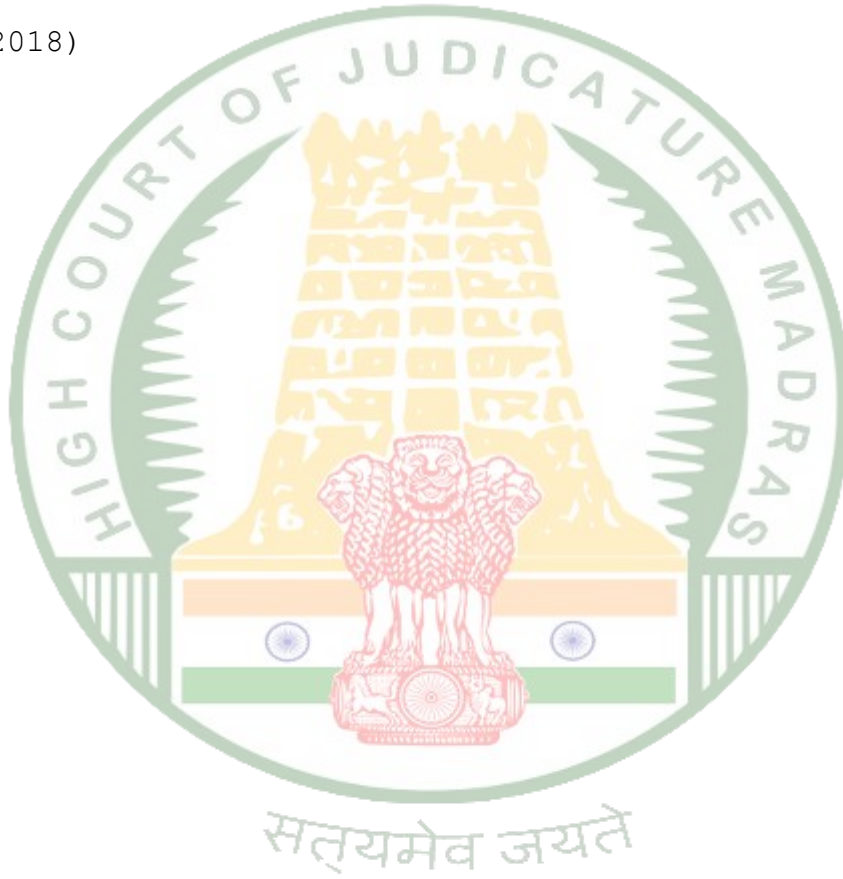
2. The Inspector of Police,
Aandimadam Police Station,
Ariyalur District.

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3.The Public Prosecutor,
High Court, Madras.

CRL.OP.No.16919 of 2018

SP (23/07/2018)



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