



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.3883 of 2018

and

Crl.M.P(MD) No.1895 of 2018

S.Bobby

... Petitioner/Defacto Complainant

Vs.

1. The Superintendent of Police
Kanyakumari District

2. The Inspector of Police
Ethamozhi Police Station
Kanyakumari District

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the final report in S.C.No.31 of 2017 on the file of the Fast Track Mahila Court, Kanyakumari at Nagercoil and direct the second respondent to file final report afresh by conducting fresh/further investigation.

For Petitioner : Mr.C.Muthusaravanan

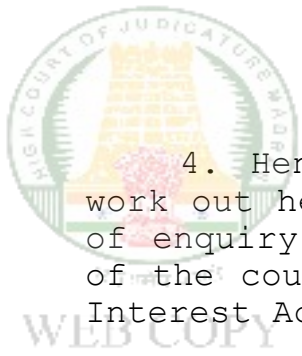
For Respondents : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the defacto complainant to quash the final report filed by the respondent police on the ground that the respondent police did not include the offence under Section Ex-Orbitant Interest Act inspite of several materials available with the respondent police.

2. The learned counsel for the petitioner submits that the respondent police ought to have added relevant provisions under Exorbitant Interest Act in the final report.

3. The final report has been taken cognizance by the Fast Track Mahila Court, Kanyakumari District in S.C.No.37 of 2017. The trial is yet to commence in this case. The petitioner who is the defacto complainant can always let in evidence before the Court by bringing all the relevant documents. If the court below is satisfied with the available materials in the course of enquiry or trial, the Court has wide powers under section 216 of Cr.P.C to alter the charge at any stage of case. The petitioner therefore has sufficient opportunity to redress his grievance before the court below.



4. Hence, there shall be a direction to the petitioner to work out her remedies under section 216 of Cr.P.C, if in the course of enquiry or trial sufficient materials are brought to the notice of the court below in order to attract the provisions of Exorbitant Interest Act.

5. The Criminal Original Petition is disposed of with the above direction. Consequently connected miscellaneous petition is closed.

Sd/

Assistant Registrar(CS-III)

/True copy/

Sub Assistant Registrar(CS-II)

To:

1. The Fast Track Mahila Court,
Kanyakumari at Nagercoil
2. The Superintendent of Police
Kanyakumari District
3. The Inspector of Police
Ethamozhi Police Station
Kanyakumari District
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.C.MUTHUSARAVANAN, Advocate, SR.No. 85042

Crl.O.P. (MD) No.3883 of 2018
and
Crl.M.P (MD) No.1895 of 2018
18.09.2018

AAV

KK/SV/SAR-2/22.10.2018/2P-6C