

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2019

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Cr1.O.P.No.17727 of 2019

B.Usharani

... Petitioner

Vs.

State by:

The Inspector of Police,
Central Crime Branch,
Dharmapuri District.

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the Respondent to complete the investigation of the case in Cr.No.07 of 2015, on his file and file a final report within the time stipulated by this Court.

For Petitioner : Mr.S.Sathia Chandran

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This petition has been filed for a direction to the respondent to complete the investigation in Crime No.7 of 2015.

2.When the matter came up for hearing, it was represented before this Court by the learned Additional Public Prosecutor that a closure report has already been filed as "mistake of fact" on 29.09.2015 in R.C.S.No.7 of 2015.

3.This Court wanted to satisfy itself as to whether the investigation was carried out properly and therefore directed the police to hand over the entire case diary. The case diary was also handed over to this Court.

4.On going through the entire case diary, this Court is of the considered view that the petitioner should agitate her right only by filing a protest petition before the Court below. This Court is not in a position to pass any orders in this petition.

5.The learned counsel for the petitioner submitted that the petitioner has not been furnished with all the documents and therefore the petitioner is not in a position to exercise her right by filing a protest petition before the Court below. The learned counsel for the petitioner further submitted that when a copy application was filed before the Court below, the same was returned on the ground that no final report has been filed by the respondent police before the Court.

6.The learned Additional Public Prosecutor on instructions submitted that the respondent police has already verified before the Court below and confirms that the closure report along with all the necessary documents are available before the Court below.

7.Taking into consideration, the specific stand taken by the respondent police, the liberty is granted to the petitioner to approach the Judicial Magistrate No.II, Dharmapuri and seek for a copy of the closure report along with all the documents which have been filed before the Court below. The Court below shall furnish the entire materials to the petitioner in order to enable the petitioner to prosecute the protest petition.

8.This Criminal Original Petition is disposed of by giving liberty to the petitioner to work out her remedy by filing a protest petition and proceed further in accordance with law. The protest petition shall be disposed within a period of two months from the date on which the petitioner files the petition.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vs
To

1. The Judicial Magistrate No.II,
Dharmapuri.

2. The Inspector of Police,
Central Crime Branch,
Dharmapuri District.

3. The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.S.Sathia Chandran, Advocate, S.R.No.71525

CrI.O.P.No.17727 of 2019

PPA(CO)
SSM(19/09/2019).