

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED :19.03.2019****CORAM:****THE HONOURABLE MR. JUSTICE N.SESHASAYEE****Crl.O.P. (MD) .No.2579 of 2019**

Sivaneshwari ... Petitioner / De facto complainant

Vs

1.The Superintendent of Police,
Pudukottai, Pudukottai District.2.The Inspector of Police,
(Incharge of Nagudi Police Station,
Aranthangi Police station, Pudukottai District.3.The Sub-Inspector of Police,
Nagudi Police Station,
Pudukottai District.
(Crime No.142 of 2018)

...Respondents

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to transfer the investigation in Crime No.142 of 2018, on the file of the Nagudi Police Station to any other Officer under the administrative control of the first respondent herein.

For Petitioner : Mr.RMS.Sethuraman

For Respondents : Mr.V.Neelakandan
Additional Public Prosecutor**O R D E R**

The present petition is filed seeking transfer of investigation in Crime No.142 of 2018, for the offences under Sections 294(b), 323, 324, 354, 506(1), 379 I.P.C. and Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act, 2002.

2.The learned counsel appearing for the petitioner submits that on the date of occurrence, while she the petitioner was travelling as a pillion rider in a motor cycle driven by her nephew, the first accused came in an Ambassador car and dashed against him and caused injuries. As the investigation does not proceed in the right direction, the petitioner has laid the present petition. The learned counsel appearing for the petitioner argued in support of the aforesaid allegation made in the petition.



3.As required by this Court, a status report was called for and the same is made today. The status report disclosed an entirely different story. According to it, on the date of occurrence, while the accused was proceeding in his car, he spotted the *de facto* complainant and his nephew, who are relatives of the accused, the petitioner's nephew had suddenly collapsed and fallen down. On the basis of this fact finding, the investigating Agency has closed the case as "mistake of fact" on 28.02.2019. He further submitted that notice of this fact was also served on the complainant.

4.The learned counsel appearing for the petitioner would now submit that the aforesaid referred charge sheet was laid on 28.02.2019 after filing of the present petition. This therefore is on obvious mischief by the investigating agency.

5.Inasmuch as the Investigating Agency has laid his final report as mistake of fact, the petitioner is now directed to approach the concerned Magistrate Court and work out his remedy as per law.

6.In view of the above, the Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar (W)

// True Copy //

Sub Assistant Registrar (CS)

To

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

2.The Inspector of Police,
(Incharge of Nagudi Police Station,
Aranthangi Police station, Pudukottai District.

3.The Sub-Inspector of Police,
Nagudi Police Station,
Pudukottai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



+1 CC to M/s.R.M.S.SETHURAMAN, Advocate (SR-55414[F] dated
20/03/2019)

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