



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.12.2019

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P. (MD)No.21811 of 2015

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Esakkiammal

... Petitioner/Petitioner/
Defacto complainant

Vs.

1. The State of Tamil Nadu,
Represented by the Inspector of Police,
Nazereth police station,
Thoothukudi District.

... Respondent/Respondent

2. Shanthi

... Respondent/Respondent/
Proposed accused

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records relating to the proceedings in Cr.M.P.No.2816 of 2015 on the file of the Judicial Magistrate, Sathankulam, dated 14.05.2015 and set aside the same.

For Petitioner : Mr.R.Balakrishnan
For R-1 : Mr.A.Robinson,
Government Advocate(Crl. Side)

ORDER

The petitioner herein filed a complaint before the Judicial Magistrate, Sathankulam, against one Shanthi. She sought a direction under Section 156(3) of Cr.P.C. The Court below directed the Inspector of Police, Nazerth police station, Thoothukudi District, to investigate the matter and file final report. The police report was filed and it was adverse to the petitioner herein. Accepting the same, the petition was closed. This is under challenge in this criminal original petition.

2. Heard the learned counsel on either side.

3. As rightly contended by the petitioner's counsel, the petitioner must be given an opportunity to contest the findings set out in the police report. In any event, the petitioner has the option of filling a private complaint. Therefore, the petitioner's petition could not have been closed immediately.

4. In this view of the matter, the impugned order stands set aside and remanded to the file of the Judicial Magistrate, Sathankulam, to proceed further in accordance with law.



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5. The criminal original petition stands allowed, accordingly.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pmu

To:

1. The Judicial Magistrate,
Sathankulam.
2. The Inspector of Police,
Nazereth police station,
Thoothukudi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.BALAKRISHNAN, Advocate (SR-103318[F]

Cr1.O.P. (MD)No.21811 of 2015
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SMA/05/06/2020/2P/5C