



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.10.2019

CORAM:

THE HONOURABLE MR. JUSTICE **G.K. ILANTHIRAIYAN**

Crl.O.P.(MD) No.14816 of 2019

WEB COPY

I. Sornammal

...Petitioner

Vs.

1. The Director General of Police
O/o.Director General of Police
Dr.Radhakrishanan Salai
Mylapore, Chennai- 600 004

2. The Inspector of Police
Ervadi Police Station
Ervadi, Tirunelveli District

3. The Inspector of Police
Land Grabbing Special Cell
Superintendent of Police's Office Complex
Tirunelveli

4. The Inspector of Police
District Crime Branch
Tirunelveli

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to withdraw the entire case diary in Crime No. 108/2013 from the file of 2nd Respondent and hand over the same to the 4th Respondent and further direct the 4th Respondent to investigate the case and file a final Report within a stipulated time.

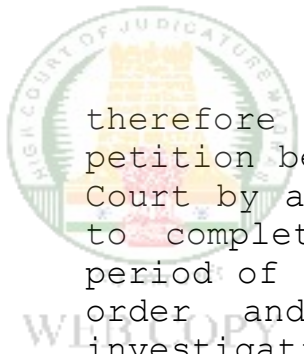
For Petitioner : Mr.P.Antony S.Prabahar

For Respondents : Mr.K.Suyambulinga Bharathi
No.1 to 4 Government Advocate(Crl.Side)

ORDER

This petition has been filed seeking direction to withdraw the entire case diary in Crime No. 108/2013 from the file of 2nd Respondent and hand over the same to the 4th Respondent and further direct the 4th respondent to investigate the case and file a final Report.

2. On the complaint lodged by the petitioner, the second respondent registered a case in Crime o. 108 of 2013 and thereafter the second respondent kept the FIR in freezer,



therefore the petitioner was constrained to file a direction petition before this Court in Crl.O.P(MD) No.2216 of 2015 and this Court by an order dated 13.02.2015 directed the second respondent to complete the investigation and file final report within a period of three months from the date of receipt of a copy of this order and accordingly the second respondent completed the investigation and closed the complaint as 'Mistake of Fact' on 16.06.2015 and RCS notice was duly served on the defacto complainant.

3. The learned counsel for the petitioner would submit that she never received the notice from the second respondent.

4. Considering the above, the change of investigation does not arise. Hence the Criminal Original Petition stands dismissed. However the second respondent is directed to copy of RCS notice to the defacto complainant within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the defacto complainant is at liberty to file protest petition before the concerned Court.

Sd/-

Assistant Registrar (co)

// True Copy //

Sub Assistant Registrar(CS)

aav

To

1. The Director General of Police
O/o.Director General of Police
Dr.Radhakrishanan Salai
Mylapore, Chennai- 600 004
2. The Inspector of Police
Ervadi Police Station
Ervadi, Tirunelveli District
3. The Inspector of Police
Land Grabbing Special Cell
Superintendent of Police's Office Complex
Tirunelveli



4. The Inspector of Police
District Crime Branch
Tirunelveli

5. The Additional Public Prosecutor
Madurai Bench of Madras High Court

+1 CC to M/s.ANTONY S.PRABAHAR, Advocate (SR-92811[F] dated
18/10/2019)

Crl.O.P.(MD) No.14816 of 2019
18.10.2019

KM/(04.11.2019) 3P 7C