

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.4743 of 2020

A.Jeyalakshmi

... Petitioner

..Vs..

1.The Superintendent of Police (North)
Vazudur, Villianur Main Road,
Police Quarters, Marie,
Olugarpet, Puducherry - 605 009.

2.The Inspector of Police,
Lawspet Police Station,
Puducherry.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the 1st respondent to consider the representation dated 09.09.2019, within reasonable time in order to commence further investigation in connection with Crime No.87 of 2017 on the file of the 2nd respondent, based on the new facts which required mandate investigation in furtherance.

For Petitioner : Mr.S.S.Kumar

For Respondents: Mr.V.Balamurugane
Additional Public Prosecutor,
Puducherry.

W E B C O P Y
O R D E R

This petition has been filed in the nature of Writ of Mandamus, to direct the 1st respondent, the Superintendent of Police (North) to consider the representation dated 09.09.2019, within reasonable period of time in order to commence further investigation in Crime No.87 of 2017 on the file of the 2nd respondent, Inspector of Police, Lawspet Police Station, Puducherry.

2. Heard Mr.S.S.Kumar, learned counsel for the petitioner and Mr.V.Balamurugane, learned Additional Public Prosecutor for the respondents.

3. The learned Additional Public Prosecutor submitted that the 2nd respondent has already completed the investigation in Crime No.87 of 2017 and also filed a referred charge sheet before the learned Executive Magistrate on 03.06.2018.

4. Since the FIR has been registered under Section 174 of Cr.P.C., the 2nd respondent ought to have filed the referred charge sheet before the learned Judicial Magistrate, where the FIR is pending. Therefore, further investigation in Crime No.87 of 2017 does not arise. Accordingly, this Writ Petition is dismissed. No costs.

5. However, the 2nd respondent is directed file a final report before the concerned Judicial Magistrate Court, after serving a copy of referred charge sheet in respect of the Crime No.87 of 2017 to the petitioner/defacto complainant, within a period of two weeks from the date of receipt of copy of this order. On receipt of the same, the petitioner/defacto complainant is at liberty to file a fresh petition before the concerned Judicial Magistrate Court.

s/d-
Assistant Registrar

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सत्यमेव जयते
Sub-Assistant Registrar

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To,

1.The Superintendent of Police (North)
Vazudur, Villianur Main Road,
Police Quarters, Marie,
Olugarpet, Puducherry - 605 009.

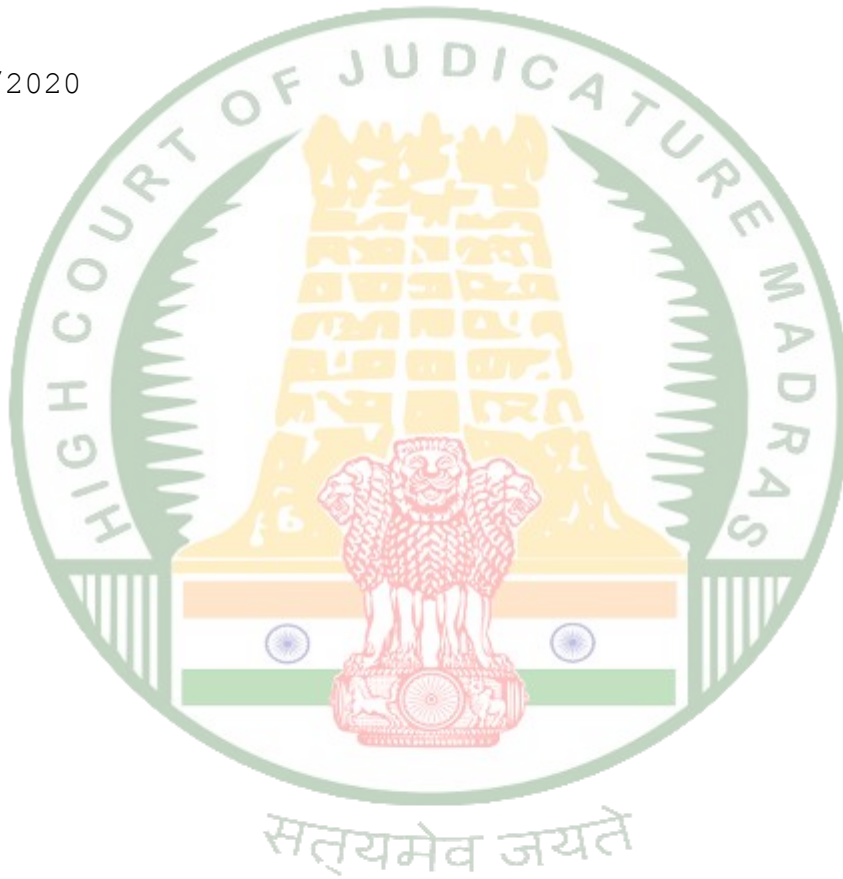
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2.The Inspector of Police,
Lawspet Police Station,
Puducherry.

+2 cc to Mr.S.S.Kumar, Advocate in Sr.No.20552
+1cc to Government Pleader, in Sr.No.20398

W.P.No.4743 of 2020

rsk[co]
srg 21/07/2020



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