

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

CRL.O.P.No.17304 of 2020

Devi
W/o.Valayapathi,
Venmani Nagar, Mettu Colony,
Kalmelkuppam Village & Post,
Walaja Taluka,
Ranipet District - 632 501.

...Petitioner

Vs.

1. The State Represented by
The Superintendent of Police,
Ranipet District.
2. The State Represented by
The Deputy Superintendent of Police,
Ranipet District.
3. The State Represented by
The Inspector of Police,
Ranipet Police Station.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the third respondent to conduct further investigation and alter the Section of law in Crime No.989 of 2020 on the file of the third respondent police, wherein the said FIR has been registered against the accused persons for abducting and marrying the minor daughter of the petitioner, on the basis of the complaint dated 27.08.2020 within the stipulated time frame as fixed by this Court.

For Petitioner : Mr.N.Suriya Muthu
For Respondents : Mrs.M.Prabhavathi
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking direction to direct the third respondent for conducting further investigation and alter the section of law in Crime No.989 of 2020 pending on his file.

2. Heard, Mr.N.Suriya Muthu, learned counsel appearing for the petitioner and Mrs.M.Prabhavathi, learned Additional Public Prosecutor appearing for the respondents Police 1 to 3.

3. Today, when this petition is taken up for hearing, the learned Additional Public Prosecutor appearing for the respondents Police 1 to 3, on instruction would submit that in respect of the petition mentioned crime No.989 of 2020, the third respondent police herein completed the investigation and filed final report stating that the complaint given by the defacto complainant is having "Mistake of fact". She would further submit that the said final report has been filed before the concerned Magistrate after serving the RCS notice to the petitioner/defacto complainant on 16.06.2020.

4. In this regard, the learned counsel appearing for the petitioner would submit that no RCS notice has been served to the petitioner/defacto complainant as alleged by the learned Additional Public Prosecutor.

5. On considering the rival submission made by the learned counsel appearing on either side, since the third respondent herein had already completed the investigation in the petition mentioned crime number, this Court is not in a position to consider the prayer sought out by the petitioner. However, it is appropriate to direct the third respondent police to serve RCS notice for enabling the petitioner to file a protest petition.

6. Accordingly, the third respondent is directed to serve a fresh RCS notice to the petitioner within a period of two weeks from the date of the receipt of a copy of this Order. Upon receipt of the same, the petitioner is at liberty to file protest petition before the jurisdictional Magistrate.

7. With the above directions, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rts

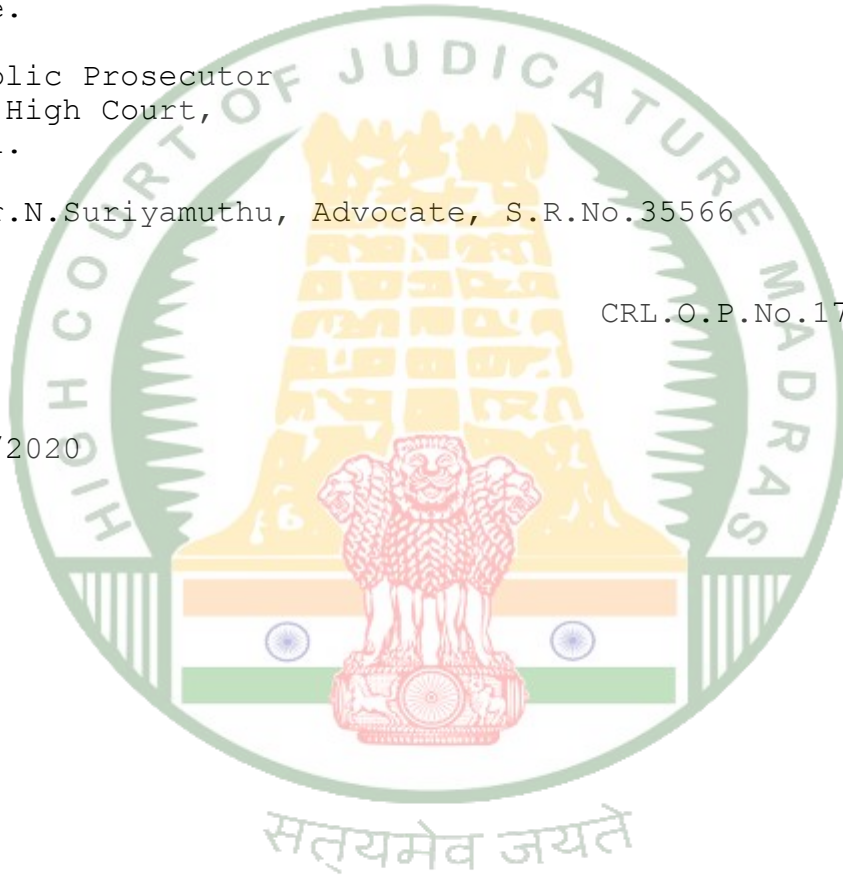
To

1. The Superintendent of Police,
Ranipet District.
2. The Deputy Superintendent of Police,
Ranipet District.
3. The Inspector of Police,
Ranipet Police Station.
4. The Jurisdictional Magistrate,
Vellore.
5. The Public Prosecutor
Madras High Court,
Chennai.

+1cc to Mr.N.Suriyamuthu, Advocate, S.R.No.35566

CRL.O.P.No.17304 of 2019

SPD(CO)
KKV/20/11/2020



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