



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:10.12.2020

CORAM

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

Crl.O.P.(MD).No.13962 of 2017

and

Crl.M.P.(MD).No.3234 of 2018

WEB COPY

V.Sarlin Sheeba

... Petitioner

Vs

1.The Superintendent of Police,
O/o.Superintendent of Police,
Nagerkovil,
Kanyakumari District.

2.The Assistant Superintendent of Police,
Colachel,
Kanyakumari District.

3.The Inspector of Police,
Kollencode Police Station,
Kaniyakumari District.
(crime No.290/2017)

... Respondents.

PRAYER: Criminal Original Petitions filed under Section 482 of Cr.P.C, praying to direct the first respondent for change of investigation in Crime No.290 of 2017 dated 23.09.2017 on the file of the third respondent and entrust the same to a competent officer for investigation and file a final report before the jurisdictional Magistrate.

For Petitioner : Mr.V.Rajiv Rufus
For Respondents : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl. Side)

ORDER

This petition has been filed seeking direction to direct the first respondent for change of investigation in Crime No.290 of 2017 dated 23.09.2017 on the file of the third respondent and entrust the same to a competent officer for investigation and file a final report before the jurisdictional Magistrate.

2. Today when the matter is taken up for hearing the learned Government Advocate(Crl.Side) would submit that based on the complaint given by the defacto complainant, the respondent police conducted enquiry and closed the complaint as ' Mistake of Fact'. Therefore, there is no question of change of investigation.

3. Recording the aforesaid submission, this Criminal Original Petition is dismissed. However the third respondent police is directed to serve RCS notice to the defacto complainant forthwith



and on receipt of the RCS notice the petitioner is at liberty to file a protest petition before the concerned jurisdictional Magistrate. Consequently, the connected criminal miscellaneous petition is closed.

Sd/-

Assistant Registrar (ADII)

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// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsg

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

- 1.The Superintendent of Police,
O/o.Superintendent of Police,
Nagerkovil,
Kanyakumari District.
- 2.The Assistant Superintendent of Police,
Colachel,
Kanyakumari District.
- 3.The Inspector of Police,
Kollencode Police Station,
Kaniyakumari District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD) .No.13962 of 2017
and
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SSS (CO)
KB(19.01.2021) 2P 5C