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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.23769 of 2021

C.Valliammal

... Petitioner

Versus

1. The Superintendent of Police,
Thiruvannamalai District,
Thiruvannamalai.
2. The Inspector of Police,
Kalasapakkam Police Station,
Thiruvannamalai.
3. The Inspector of Police,
All Women Police Station,
Arni, Thiruvannamalai District.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. directing the second respondent to transfer investigation in Crime No.595 of 2021, pending on the file of the second respondent to the third respondent and consequently direct the third respondent to investigate the case and to file a final report, within the time stipulated by this Court.

For Petitioner : Mr.S.Angamuthu

For Respondent : Mr.R.Vinothraja
Government Advocate [Crl. Side]

O R D E R

This Criminal Original Petition is filed to direct the second respondent to transfer investigation in Crime No.595 of 2021, pending on the file of the second respondent to the third respondent and consequently direct the third respondent to investigate the case and to file a final report, within the time stipulated by this Court.



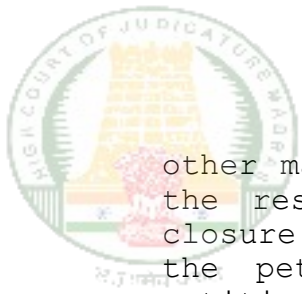
2.The grievance of the petitioner is that the respondent police had not taken any action on the complaint of the petitioner. The respondent is in complacent with the accused persons. Therefore, the petitioner was constrained to move a petition before the District Munsif cum Judicial Magistrate, Kalasapakkam under Section 156(3) Cr.P.C. in Crl.M.P.No.392 of 2020. Pursuant to the order dated 15.04.2021, passed by the learned District Munsif cum Judicial Magistrate, Kalasapakkam, the respondent police had registered a case in Crime No.595 of 2021, for offence under Sections 147, 148, 359(b), 323, 324, 392, 376, 511 and 506(ii) IPC and Section 4 of Prohibition of Harassment of Women Act. After the registration of the FIR, the respondent police not conducted any investigation. The respondent police not examined even the petitioner. No statements so far recorded and no proper investigation carried out. It would be appropriate that the second respondent police transferred the First Information Report to the file of the third respondent police, who is the competent persons to conduct investigation for the offence of this nature.

3.The learned Government Advocate [Crl.Side] submits that in this case the second respondent had registered the case and closed the case as "Mistake of Fact". The closure report dated 30.11.2021 made ready and served the copy to the defacto complainant on 12.12.2021. He further submits that the statement of the defacto complainant recorded as well as one Chinnaasamy, Elumalai, Krishnamoorthy, Devendran, Jayapaul, Jayakodi and Vendaa had been recorded. The second respondent had visited the scene of occurrence, prepared observation mahazar and the case is closed as "Mistake of Fact", and the closure report served to the defacto complainant on 12.12.2021. Steps are taken to file the closure report before the District Munsif cum Judicial Magistrate, Kalasapakkam.

4.The learned counsel appearing for the petitioner submits that the petitioner had filed a petition seeking transfer of investigation on 02.12.2021 and the closure report has been made ready immediately after that, so far the closure report not filed before the District Munsif cum Judicial Magistrate Court, Kalasapakkam. Further submitted that except the summons, no closure report or any other documents served to the petitioner.

5.Today, the learned Government Advocate [Crl.Side] handedover the copy of the statement of witnesses, closure report and other documents to the learned counsel appearing for the petitioner.

6.Considering the submissions and on perusal of the materials, this Court finds that except for the summons, no



other materials served to the petitioner. In view of the same, the respondent police is directed to serve the copy of the closure report along with the statements to the petitioner. If the petitioner feels aggrieved, she has to file a protest petition. The respondent police is directed to file the closure report before the District Munsif cum Judicial Magistrate Court, Kalasapakkam. The learned District Munsif cum Judicial Magistrate, Kalasapakkam is directed to ensure whether all documents and statements are served to the petitioner and thereafter hear and consider the protest petition, if any filed by the petitioner and pass appropriate orders.

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

Sd/-
Assistant Registrar (CS-II)

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Sub Assistant Registrar

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To

1. The District Munsif cum
Judicial Magistrate,
Kalasapakkam,
Tiruvannamalai.
2. Do-Through,
The Chief Judicial Magistrate,
Tiruvannamalai.
3. The Superintendent of Police,
Thiruvannamalai District,
Thiruvannamalai.
4. The Inspector of Police,
Kalasapakkam Police Station,
Thiruvannamalai.
5. The Inspector of Police,
All Women Police Station,
Arni, Thiruvannamalai District.



6. The Public Prosecutor,
High Court, Madras.

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+1cc to M/s.S.Angamuthu, Advocate, S.R.No.67867

CRL.O.P.No.23769 of 2021

BP (CO)
SU (08/02/2022)