



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.551 of 2022

M.Ebenezer

... Petitioner

Versus

The State rep. by its
The Inspector of Police,
Sooramangalam Police Station,
Sooramangalam,
Salem.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the respondent police to complete the investigation in Crime No.1383 of 2020 and file final report, within a time stipulated by this Court.

For Petitioner : Mr.A.Ilayaperumal

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

O R D E R

This Criminal Original Petition is filed to direct the respondent police to complete the investigation in Crime No.1383 of 2020 and file final report, within a time stipulated by this Court.

2.The contention of the petitioner is that the petitioner had lodged a complaint and a case in Crime No.1383 of 2020 came to be registered for offence under Sections 147, 447, 323 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act. Thereafter, no proper investigation has been conducted. Hence the present petition is filed.

3.The learned Government Advocate submits that the above said case came to be registered on 07.10.2020. Thereafter on completion of investigation, the above said case has been closed as "Mistake of Fact" on 08.10.2020 in R.C.S.No.28 of 2020. When the respondent police was attempted to serve the said R.C.S. Notice to the petitioner, the same was refused by the petitioner. Hence the RCS notice was stuck at the main door of the petitioner's home and also obtained the certificate from the Village Administrative Officer and the closure report has been filed before the Additional Mahila Court, Salem.



4.The learned counsel appearing for the petitioner submits that the petitioner was not enquired and no proper investigation has been conducted and the case has been closed as "Mistake of Fact".

5.Considering the submissions and on perusal of the materials, this Court directs the petitioner to file a protest petition before the concerned Court i.e. the Additional Mahila Court, Salem. In the event of filing the protest petition, the Additional Mahila Court, Salem is directed to consider the same and pass appropriate orders on merits, by giving an opportunity to the petitioner.

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

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
Sooramangalam Police Station,
Sooramangalam,
Salem.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.A.Ilayaperumal, Advocate SR.No.2652

CRL.O.P.No.551 of 2022

CP(CO)
GMY(04/02/2022)