



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD)No.2195 of 2022

P.Nagammal

... Petitioner/3rd Party

Vs.

1.The State represented by,
The Inspector of Police,
Aundipatti Police Station,
Theni District.

... 1st Respondent/Complainant

2.Amutha

... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the closure report filed by the first respondent in RCS.No.43 of 2020, dated 23.07.2020 filed before the learned Judicial Magistrate, Aundipatti, Theni District, set aside the same and direct the first respondent to conduct further investigation in Crime No.379 of 2019 on his file.

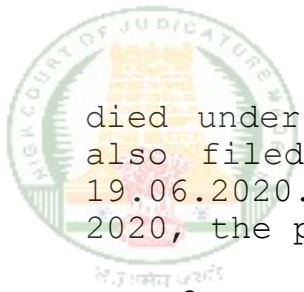
For Petitioner : Mr.A.Jayaramachandran

For R - 1 : Mr.B.Thanga Aravindh
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to set aside the closure report filed by the first respondent in RCS.No.43 of 2020 filed before the learned Judicial Magistrate, Aundipatti, Theni District and to direct the first respondent to conduct further investigation in Crime No.379 of 2019.

2.The case of the petitioner is that her son got married with the second respondent. While being so, she was informed that her son sustained head injury and admitted in the hospital and she was informed that her son died even before admitting in the hospital. Thereafter, she came to understand that her son fell down from Aundipatti Railway bridge and sustained head injury and died. On the complaint, a case has been registered in Crime No.379 of 2019 under Section 174 of Cr.P.C on the file of the first respondent. The first respondent, after completion of investigation, closed as further investigation is not required, since the deceased have fell down accidentally and



died under the influence of alcohol and referred charge-sheet was also filed before the learned Judicial Magistrate, Aundipatti on 19.06.2020. Challenging the referred charge sheet in RCS.No.43 of 2020, the petitioner has filed the present petition.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the first respondent.

4.On a perusal of the records revealed that though the petitioner challenged the referred charge sheet before this Court, she can very well file a protest petition before the concerned Court. Therefore, the petitioner is directed to file a protest petition as against the referred charge sheet before the learned Judicial Magistrate, Aundipatti, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the learned Judicial Magistrate, Aundipatti, is directed to conduct enquiry and dispose the same within a period of four weeks thereafter.

5.With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ps

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.Judicial Magistrate, Andipatti,Theni District

2.The Inspector of Police,
Aundipatti Police Station,
Theni District.



3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

WEB COPY

Order made in
CrI.O.P (MD) No.2195 of 2022
28.02.2022

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