



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Criminal Original Jurisdiction

Friday, the Sixteenth day of September Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) . No.5691 and 5695 of 2022
in
CRL OP(MD)13962 of 2017

V. Sarlin Sheeba ... Petitioner/Petitioner
same in both Petition
Vs

1 The Superintendent of Police
O/o. Superintendent of Police Nagerkovil
Kanniyakumari District.

2 The Assistant Superintendent Of Police
Colachel
Kanniyakumari District.

3. The Inspector of Police,
kollencode Police Station,
Kanniyakumari District
(Crime No.290 of 2017)

... Respondent/Respondent
same in both Petition

Prayer :- CRL MP(MD) . No.5691 of 2022

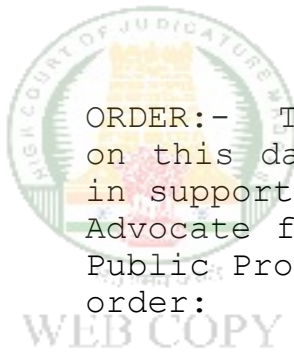
Criminal Miscellaneous Petition filed under section 482 of Cr.p.c. To direct the 3rd Respondent to serve RCS notice to the petitioner complying the order dated 10.12.2020 passed by this Hon`ble Court in Crl.OP(MD)No.13962/2017 in Crime No.290/2017 enabling the petitioner to file the protest petiton.

Prayer in CRL MP(MD) . 5695/ 2022 :

Criminal Miscellaneous Petition filed under section 482 of Cr.p.c.To transfer the proceedings in Crime No.290/2017 from Learned Judicial Magistrate II, Kuzhithurai, Kanyakumari District to the Learned Judicial Magistrate Court at Valliyoor, Tirunelveli District, enabling the Petitioner to file the Protest Petition

Prayer in CRL OP(MD) . 13962/ 2017 :

To direct the 1st Respondent for charge of investigation in Crime No.290 of 2017 dated 23.09.2017 on the file of 3rd Respondent and entrust the same to a Competent Officer for investigation and file a final report before the Jurisdictional Magistrate within the time stipulated by this Honourable Court.



ORDER:- These Criminal Miscellaneous Petition coming on for consideration on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of V.RAJIV RUFUS Advocate for the Petitioner and of R.MEENAKSHI SUNDARAM, Additional Public Prosecutor for the respondents, this Court made the following order:

The Criminal Original Petition in CrI.O.P.(MD)No.13962 of 2017, filed seeking transfer of investigation in Crime No.290 of 2017, was closed by this Court by an order dated 10.12.2020 with liberty to the petitioner to receive RCS notice and to file a protest petition before the concerned Judicial Magistrate.

2.The present petitions have been filed by the petitioner seeking a direction to the respondent to serve RCS notice enabling the petitioner to file a protest petition as ordered by this Court and also to transfer the proceedings in Crime No.290 of 2017 from the file of learned Judicial Magistrate II, Kuzhithurai, Kanyakumari District to the learned Judicial Magistrate Court at Valliyoor, Tirunelveli District.

3. When this matter was taken up for hearing, the learned counsel for the petitioner submitted that RCS notice was not served upon him as directed by this Court. Hence, he seeks a direction to the respondent to serve RCS notice to the petitioner.

4.The learned Government Advocate (CrI.side) filed a status report dated 30.08.2022 in this regard. It is stated in the status report that the case in Crime No.290 of 2017 was thoroughly investigated and closed as mistake of fact and the final report has also been filed before the learned Judicial Magistrate No.II, Kuzhithurai after serving RCS Notice to the petitioner/defacto complainant. Again in pursuant to the order dated 26.07.2022, fresh RCS notice was also sent to the petitioner on 01.08.2022, the petitioner had also acknowledged it by affixing her signature.

5.The learned counsel for the petitioner further submitted that the accused, against whom the petitioner has lodged this complaint, is working as an Advocate in Padmanabhapuram Court and hence, the case itself has to be transferred to some other Court.

6. This Court is of the view that this sort of relief cannot be given at this stage in these petitions. The petitioner is directed to redress his grievance through separate proceedings before the appropriate forum.

7. With the aforesaid liberty, these petitions are closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/10/2022

Sub Assistant Registrar(CS)



TO

CRL MP(MD). No.5691 a



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1. The Superintendent of Police
O/o. Superintendent of Police Nagerkovil
Kanniyakumari District.

2. The Assistant Superintendent
Of Police Colachel Kanniyakumari District.

3. The Inspector of Police,
kollencode Police Station,
Kanniyakumari District
(Crime No.290 of 2017)

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

Copy to:

1 The Judicial Magistrate No.II, Kuzhithurai,
Kanyakumari District.

2 The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court, Madurai

ORDER DATED : 16/09/2022

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ORDER

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CRL MP(MD)No.5691 & 5695 of 2022
in
CRL OP(MD)No.13962 of 2017

Giving direction and etc.
as stated within.

SS/07/10/2022/ 3P 7C