



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P. (MD)No.18519 of 2019

WEB COPY

C.Ramachandran

... Petitioner/Defacto Complainant

vs.

1.The Commissioner of Police,
Commissioner Office Campus,
K.Pudhur,
Alagar Kovil Road,
Madurai.

2.The Inspector of Police,
Karimedu Police Station,
Madurai.
(Crime No.369 of 2018)

... Respondents/Complainants

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C, to direct the second respondent to file the final report, before the concerned Judicial Magistrate, in Crime No.369 of 2018 pending on the file of the second respondent within the time stipulated by this Court.

For Petitioner : Mr.A.RAJA, Advocate

For Respondents :Mr.R.MEENAKSHI SUNDARAM,
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking direction to the second respondent to file a final report in connection with Crime No.369 of 2018 pending on the file of the second respondent within the time stipulated by this Court.

2.When the matter was taken up for hearing on 17.12.2021, as per the direction of this Court, the Investigation Officer/Mr.Lokesh, Inspector of Police, Karimedu Police Station, has appeared before this Court along with CD file and submitted that despite their efforts, they were not in a position to trace out the accused. At that time, the learned Government Advocate (Criminal Side) submitted that the petitioner has only supplied the photo of the suspected accused and not produced the video coverage and at that time, the learned counsel for the petitioner submitted that the



petitioner is ready to furnish the CCTV footage and the video coverage taken at the time of marriage.

3. When the matter is taken up for hearing today, the learned Additional Public Prosecutor would submit that, in pursuance of the direction of this Court, the petitioner has produced the CCTV footage and the video coverage and they have shown a boy, who was aged 9 years as suspect and that thereafter, the boy now aged about 13 years was summoned along with his mother and conducted enquiry in the presence of the petitioner/defacto complainant. He would further submit that the very same boy was also enquired even in the year 2018 and since the police came to the conclusion that the boy was not the culprit, they have not proceeded further. He would also submit that even now, after enquiry with the suspected boy and his mother, they are not in a position to fit the accused and that thereafter, the second respondent has filed a final report as undetected "UN" but the petitioner has refused to receive the RCS notice.

4. The learned Additional Public Prosecutor has produced the copy of the final report along with refused RCS notice.

5. As rightly pointed out by the learned Additional Public Prosecutor, they have specifically reserved their right to reopen the case, if they receive any materials with respect to the person or persons connected with the alleged occurrence.

6. At this juncture, the learned counsel for the petitioner would submit that they may be permitted to file a protest petition before the jurisdictional Court. It is pertinent to mention that the defacto complainant, after the filing of the negative report, is having every right to challenge the same by filing the protest petition.

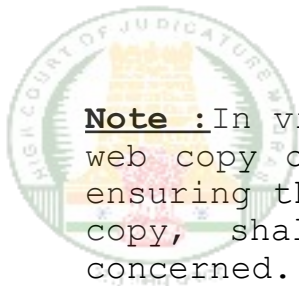
7. The learned Additional Public Prosecutor would submit that they are going to file a final report before the jurisdictional Court shortly. If such a final report is filed, the petitioner is at liberty to file a protest petition.

8. With the above observation, this criminal original petition is disposed of.

Sd/-
Assistant Registrar (Writ)

// True Copy //

/ /2022
Sub Assistant Registrar(CS)



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.

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To

- 1.The Commissioner of Police,
Commissioner Office Campus,
K.Pudhur, Alagar Kovil Road,
Madurai.
- 2.The Inspector of Police,
Karimedu Police Station,
Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

CrI.O.P. (MD) No.18519 of 2019

Date:31.01.2022

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