



WP(MD) No.3771 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.02.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

W.P.(MD) No.3771 of 2024

Mary Grace

... Petitioner

/vs./

1.The Commissioner of Police,
Office of the Commissioner of Police,
Madurai,
Madurai District.

2.The Inspector of Police,
Koodal Puthur Police Station,
Anaiyur,
Madurai.

3.Duraipandi

4.Balaji

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents 1 and 2 to take appropriate action in the Crime No. 211/2023 and recover the two wheeler in bearing Registration No. TN 59 CM 7772, Suzuki Access 125 from the accused in



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accordance with law on the basis of the Petitioner's representation, dated 08.01.2024 within a time frame fixed by this Court.

For Petitioner : Mr.K.Neelamegam

For R1 & R2 : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

The learned Counsel for the Petitioner submits that the Petitioner had filed this Writ Petition seeking direction against the Respondents 1 and 2 to take appropriate action in the Crime No.211/2023. It is his submission that the Petitioner is a divorcee and employed. She is living along with her daughter. She and her daughter had been threatened by some individuals. Already there was a case, in which the accused had trespassed into the house and attacked the Petitioner and her daughter, based on which the FIR was registered, investigated, and final report was laid before the Court concerned. Now, the said case had come up for trial. The present case is with regard to stealing of the Petitioner's two wheeler, in which the video camera fixed outside the residence of the Petitioner shows that a person forcibly broke the lock of the two wheeler parked inside the compound and took it away. The video footage of the neighbor of the Petitioner



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also indicates that there were two persons. One was standing outside and the other person entered the Petitioner's compound and removed the two wheeler by force. Even after registration of the complaint, the Respondents 1 and 2 had not conducted proper investigation. Therefore, he seeks directions to the Respondents 1 and 2 to complete the investigation and lay the final report.

2.The learned Additional Public Prosecutor, on instructions of the Respondents 1 and 2, would submit that the suspects mentioned by the Petitioner were examined. From the statements recorded by the Investigation Officer, it came to light that the Petitioner has some civil dispute regarding money transaction. Therefore, the FIR had been closed by the second Respondent as undeducted. A report to that effect was also filed before the learned Judicial Magistrate No.IV, Madurai. Also, he would submit that Referred Charge Sheet notice was also served on 02.02.2024 on the Petitioner. Therefore, it is the submission of the learned Additional Public Prosecutor that the Petitioner is within her rights to agitate her rights before the learned Judicial Magistrate No.IV, Madurai regarding her grievances.



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WEB COPY 3. Since the Respondents had closed the FIR as un-deducted and from the CCTV footage, the Respondents 1 and 2 are unable to deduct the accused, the Petitioner was advised to seek remedy before the learned Judicial Magistrate No.IV, Madurai, with whom the Respondent Police had filed the Referred Charge Sheet.

4. Accordingly, the Petitioner is directed to approach the learned Judicial Magistrate No.IV, Madurai by filing appropriate Petition regarding the negative final report filed by the second Respondent. On such petition, the learned Judicial Magistrate No.IV, Madurai shall pass appropriate orders after conducting due enquiry as per law.

With the above directions, the Writ Petition is disposed of. No costs.

20.02.2024

Index : Yes / No

Internet : Yes / No

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SATHI KUMAR SUKUMARA KURUP, J.

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Order made in
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