



Crl.O.P.(MD)No.2973 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 29.02.2024

CORAM :

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.(MD)No.2973 of 2024

Subbulakshmi

... Petitioner

Vs.

State represented by
The Inspector of Police,
Balamedu Police Station,
Madurai.
(In Crime No.110 of 2019)

... Respondent

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the Respondent Police herein to file a Charge Sheet in Crime No.110 of 2019, dated 08.08.2019 on the file of the Respondent herein as against the accused within the time stipulated by this Court and for other reliefs.

For Petitioner : Mr.V.Muthusamundeeswaran

For Respondent : Mr.M.Veeranthiran
Government Advocate (Crl. side)



Crl.O.P.(MD)No.2973 of 2024

ORDER

WEB COPY

The learned Counsel for the Petitioner submitted that the Petitioner had filed this petition seeking direction against the Respondent Police to file a charge sheet in Crime No.110 of 2019 on the file of the Respondent.

2. The learned Counsel for the Petitioner further submitted that the Petitioner had purchased the agricultural land in Patta No.722 of 2014 and she had been enjoying the same. The husband of the vendor is alleged to have trespassed into the property and stolen the cattle and sheep, based on which the Petitioner lodged a complaint with the Respondent Police.

3. Based on the complaint of the Petitioner, the Respondent Police had registered a case in Crime No.110 of 2019. Till date, the investigation had not been completed. Therefore, the Petitioner seeks direction against the Respondent Police to complete the investigation and to lay the final report before the Court concerned.

4. The learned Government Advocate (Criminal side) on instructions from the Respondent Police submitted that the Respondent Police had closed it as a mistake of fact.



Crl.O.P.(MD)No.2973 of 2024

5. To the query of this Court, whether the Respondent Police had served notice on the de-facto Complainant, the learned Government Advocate (Criminal side) submitted that he is yet to serve notice.

6. Considering the same, the Petitioner is directed to approach the Court of the learned Judicial Magistrate, Vadipatti, and file appropriate petition either seeking to proceed with the investigation or seeking further investigation before the Court of the learned Judicial Magistrate, Vadipatti.

7. The learned Judicial Magistrate, Vadipatti, is directed to issue notice regarding the refer charge sheet filed by the Respondent Police and hear the objections of the de-facto complainant. After hearing the objections of the de-facto complainant, the learned Judicial Magistrate, Vadipatti, shall pass appropriate orders.

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

29.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
jbr



WEB COPY



Crl.O.P.(MD)No.2973 of 2024

SATHI KUMAR SUKUMARA KURUP, J.,

jbr

To

1. The Inspector of Police,
Balamedu Police Station,
Madurai.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P.(MD)No.2973 of 2024

29.02.2024