

1

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.01.2025

CORAM:

THE HON'BLE MR.JUSTICE M. NIRMAL KUMAR

CrI.O.P(MD).No.110 of 2025

Muthammal

... Petitioner

Vs

1. The State of Tamilnadu,
Rep by the The Superintendent of Police,
Office of the Superintendent of Police,
Tirunelveli District.

2. The Deputy Superintendent Of Police,
Office of the Deputy Superintendent of Police,
Thalaiyuthu, Tirunelveli District.

3. The Inspector of Police,
Manur Police Station,
Tirunelveli District.

... Respondents

Prayer: Criminal Original Petition filed under section 528 of BNSS to direct the Respondent No.1 to withdraw the case in Crime No.928 of 2024, dated 26.11.2024 on the file of the Respondent No.3 and entrust the same to the Respondent No.2 or anyone of the Deputy Superintendent of Police Level Police official for complete the investigation and file final report within the time stipulated by this Court.

For Petitioner : Dr. R.Alagumani

For Respondents : Mr.A.Thiruvadi Kumar (R1-R3)
Additional Public Prosecutor



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ORDER

This Criminal Original petition has been filed to direct the Respondent No.1 to withdraw the case in Crime No.928 of 2024, dated 26.11.2024 on the file of the Respondent No.3 and entrust the same to the Respondent No.2 or anyone of the Deputy Superintendent of Police Level Police official for complete the investigation and file final report.

2.The petitioner lodged a complaint against one Palsamy and the case in Cr.No.928 of 2024 was registered for the offence under Sections 296(b), 115(2), 351(2) of BNS Act and Section 4 of TNPHW Act. After registration of case, investigation has not been conducted by the respondent Police. Hence, seeking transfer of investigation this petition has been filed.

3.The learned Additional Public Prosecutor appearing for the respondent police submitted that in this case based on the complaint given by the petitioner a case in Cr.No.928 of 2024 was registered by the respondent police. Though 7 witnesses have been examined, after completion of investigation, it was closed as 'mistake of fact'. Now,



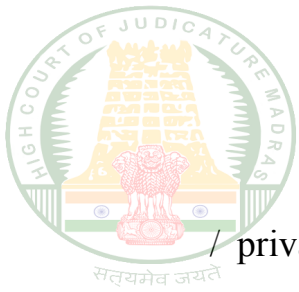
referred charge sheet is made ready to file before the Judicial Magistrate

No.V, Tirunelveli. However, the petitioner is refused to receive the copy of the closure report.

4.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents and perused the materials available on record.

5.Considering the submissions raised on either side, it is seen that in this case after completion of investigation, it was closed as 'mistake of fact'. Though referred charge sheet was made ready on 03.12.2024, the respondent police is unable to file it before the jurisdictional Magistrate since the petitioner refused to receive the closure report.

6.In view of the above facts, the respondent police is directed to affix the closure report on the Wall of the petitioner's house in the presence of the concerned Village Administrative Officer and thereafter, file the same before the Judicial Magistrate No.V, Tirunelveli. If the petitioner is aggrieved over the same, she is at liberty to file his objection



/ private complaint, if any, in the manner known to law, if she is so

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7. With the above directions, this Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petition is closed.

07.01.2025

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
PNM

To

1. The State of Tamilnadu,
Rep by the The Superintendent of Police,
Office of the Superintendent of Police,
Tirunelveli District.

2. The Deputy Superintendent Of Police,
Office of the Deputy Superintendent of Police,
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3. The Inspector of Police,
Manur Police Station,
Tirunelveli District.

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



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5



M. NIRMAL KUMAR, J.

PNM

ORDER IN
Crl.O.P(MD) No. 110 of 2025

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