

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 22.09.2015

Coram:

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P.No.21876 of 2015

Ganesamoorthy

..Petitioner

Vs.

State by Inspector of Police
Uthukuli Police Station,
Uthukuli, Tiruppur District

..Respondent

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent to file charge sheet with regard to Crime No.329 of 2012 dated 28.08.2012 pending on his file.

For Petitioner : Mr.J.Franklin
For Respondent : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

This Petition has been filed to direct the respondent to file a charge sheet in respect of Crime No.329 of 2012 dated 28.08.2012.

2.Heard the learned counsel for the petitioner; learned Additional Public Prosecutor and perused the materials available on record.

3.The learned Additional Public Prosecutor submits that investigation has been completed in this case and the final report stating that the case is closed as "Mistake of Fact" is ready and is not yet been filed before the Jurisdictional Magistrate.

4. In view of the above, the respondent police is directed to file the final report before the learned Jurisdictional Magistrate within a period of two weeks from the date of receipt of copy of a order after serving copy of the RCS Notice on the petitioner / defacto complainant. Thereafter, the petitioner/defacto complainant is at liberty to file a protest application before the Jurisdictional Magistrate, which shall be considered in terms of law, laid down by the Hon'ble Supreme Court in Vinay Tayagi V. I.Rshad Ali Alias Deepak and others reported in 2013(5) SCC 762.

With the above observation, this petition is closed.

ssd

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

To

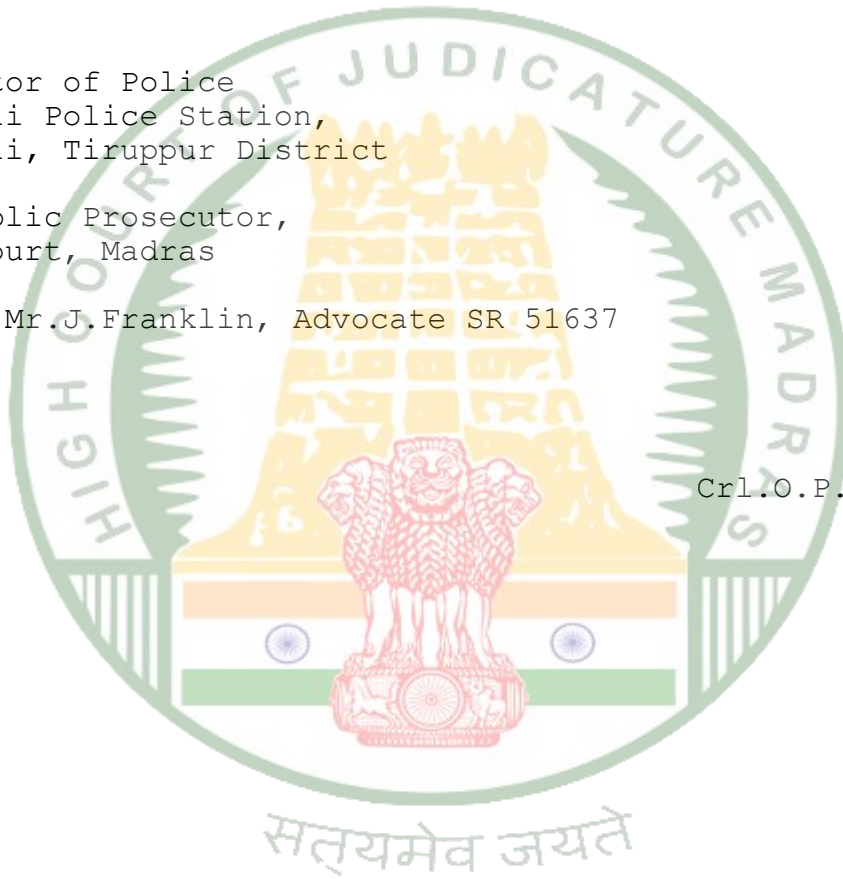
1. Inspector of Police
Uthukuli Police Station,
Uthukuli, Tiruppur District

2. The Public Prosecutor,
High Court, Madras

+ 1 cc to Mr.J.Franklin, Advocate SR 51637

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