

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2015

CORAM

The Hon'ble Mr. Justice R.S.Ramanathan

CrI.O.P.No.3574 of 2015

K.Thirusangu

...Petitioner/Complainant

vs.

1.The Inspector of Police,
Thalavai Police Station,
Ariyalur District.

2. The Inspector of Police,
CBCID, Ariyalur District. ...Respondents/police

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code praying to direct the second respondent to investigate and to file final report with regard to the case in Crime No.6 of 2011, pending on the file of the first respondent/Police in accordance with law within the stipulated time.

For Petitioner : Mr.P.Tamilavel

For Respondents : Mr.M.Maharaja
Additional Public Prosecutor

ORDER

It is submitted by the learned Additional Public Prosecutor, representing the respondent/Police that the FIR registered in Cr.No.06 of 2011 was investigated, and it was closed as "mistake of fact" and a referred chargesheet was also filed to that effect on 16.12.2014, before the Judicial Magistrate, Jayamkondan and the copy of same was also affixed on the petitioner's premises, as the petitioner refused to receive it.

2. The learned counsel appearing for the petitioner submitted that, without conducting proper investigation, and without taking into consideration the wound certificate and the statement of complainant, the respondent/Police erroneously closed the case as "mistake of fact", and therefore, the learned counsel prayed that either the respondent/Police may be directed to re-investigate the case or this Court may order for transfer of investigation to some other Investigating Agency.

3. Heard both sides.

4. I am unable to accept the contentions of the learned counsel appearing for the petitioner. When the respondent/Police referred the case as "mistake of fact" and filed referred chargesheet, and the copy of the same was also given to the petitioner, it is open to the petitioner to file protest petition before the Magistrate concerned and pursue the matter legally. As it is represented by the learned Additional Public Prosecutor that the petitioner refused to receive RC notice, and therefore, it was affixed at the petitioner's premises, this Court is inclined to give one more opportunity to the petitioner to file protest petition. Accordingly, the petitioner is permitted to file protest petition before the learned Judicial Magistrate concerned within a period of 15 days from the date of receipt of a copy of this order. As and when such protest petition is being filed by the petitioner, the learned Judicial Magistrate concerned is directed to consider the same and pass orders in accordance with law within a period of eight weeks thereafter.

5. The Criminal Original Petition is disposed of, with the above directions.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

sd

1.The Inspector of Police,
Thalavai Police Station,
Ariyalur District.

2. The Inspector of Police,
CBCID, Ariyalur District.

3 The Public Prosecutor,
High Court, Madras

+1 cc to MR.P.tAMILAVEL ADVOCATE SR NO.8281.

COPY TO

Judicial Magistrate,
Jayamkonda

The Chief Judicial Magistrate
Ariyalur

Cr1.O.P.No.3574 of 2015

sr[co]
RD 20/03/2015



WEB COPY