

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP.No.14098 of 2016

P.Jayaraman ... Petitioner/Complainant

Vs

State by
Inspector of Police,
Rasipuram Police Station,
Namakkal District. ... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the respondent to conduct fresh enquiry and to file a report before the Judicial Magistrate, Rasipuram, by reopening the petitioner's complaint registered under FIR No.464/2014 on the file of the respondent Police.

For Petitioner : Mr.M.Kalyanasundaram, Sr. Counsel
for Mr.V.Srinivasan

For Respondent : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed praying to direct the respondent police to conduct fresh enquiry in Crime No.464 of 2014 on the file of the respondent Police.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor for the respondent.

3. It is seen that on a complaint lodged by the petitioner, an FIR was registered in Crime No.464 of 2014, and on the complaint lodged by the opposite party, a case in Crime No.463 of 2014 was registered against the petitioner. After completing the investigation in both the cases, the respondent-Police filed a final report in Crime No.463 of 2014, but have closed the case in Crime No.464 of 2014, after service of RCS Notice on the petitioner as mistake of fact.

4. On receipt of the RCS Notice, the petitioner should have filed a protest application before the Magistrate immediately. It is seen that the closure report is dated 20.07.2014. Having missed the bus to file a protest application then, the petitioner is resorting to achieve that end via a petition under Section 482 Cr.P.C., which is not permissible.

In view of the above, this Criminal Original Petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Inspector of Police,
Rasipuram Police Station,
Namakkal District.

2.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.V.Srinivasan Advocate sr.37880

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