

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.08.2016

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP.No.17277 of 2016

P.Jayaraman ... Petitioner
Vs

State rep.by
The Superintendent of Police,
Villupuram District,
Villupuram. Respondent

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the respondent to give reply or final order along with all the related documents created on the re-open petition filed under Section 173(8) CrPC dated 02.12.2015.

For Petitioner :Mr.P.Jayaraman
(party-in-person)

For Respondent :Mr.C.Emalias,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking a direction to the respondent to give reply or final order along with all the related documents created on the re-open petition filed under Section 173(8) CrPC dated 02.12.2015.

2.Heard party -in-person and the learned Additional Public prosecutor for the respondent.

3. It is seen that on the complaint given by the petitioner, a case in Valathy Police Station Crime No.193 of 2010 was registered for offences under Sections 423 and 465 IPC and after thorough investigation, the police have closed the same as 'mistake of fact' as early as on 16.06.2010 after service of RCS notice No.29 of 2010 on 16.06.2010. Thereafter, the final report has also been filed before the Judicial Magistrate, Gingee, on 13.12.2010.

4. The petitioner in person also submitted that he has received RCS Notice and that, he wants further re-investigation

in the case on the ground that the investigation is perfunctory.

5. In normal circumstances, the defacto complainant should have approached the Judicial Magistrate, Gingee and filed protest petition. In this case, that has not been done since 2010. Under such circumstance, having missed the bus, the defacto complainant cannot seek re-investigation via 482 Cr.P.C. in respect of a case which has been closed as 'mistake of fact' as early as 2010. However, this Court perused the closure report filed by the police in Crime No.193 of 2010. Even according to the party in person, a case in Crime No.276 of 2007 has been registered and final report has been filed in C.C.No.260 of 2007 before the Judicial Magistrate, Gingee, in which, one Padmajothi is an accused. He further submitted that he has given evidence partly in C.C.No.260 of 2007 and has filed an application under Section 319 Cr.P.C in that case.

6. In view of the aforesaid facts, in the considered opinion of this Court, this is not a fit case for re-investigation.

In the result, the criminal original petition is dismissed as devoid of merits.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

sms
To

1. The Superintendent of Police,
Villupuram District,
Villupuram.

2. The Public Prosecutor,
High Court, Chennai.
+1 cc to Mr.P.Jayaraman party-in-person sr 47741

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