

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.30614 of 2015

Raja Gounder

... Petitioner

Vs

State by

The Inspector of Police,
Eadappadi Police Station,
Salem.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent to investigate the offences committed by the accused in Crime No.352 of 2012 dated 26.9.2012 on the file of the respondent police and file final report for the offences committed by the accused under Sections 147, 148, 448, 427 and 506(ii) I.P.C. within the time stipulated by this Court.

For Petitioner : Mr.B.Lenin Balu

For respondent : Mr.C.Emalias,
Addl. Public Prosecutor.

ORDER

The present criminal original petition has been filed seeking a direction to the respondent to investigate the offences committed by the accused in Crime No.352 of 2012 dated 26.9.2012 and file final report for the offences committed by the accused under Sections 147, 148, 448, 427 and 506(ii) I.P.C. within the time stipulated by this Court.

2. The case of the petitioner is that he lodged a complaint with the respondent police on 26.9.2012 as against one Natarajan and others and the same was registered in Crime No.352 of 2012 for the alleged offence punishable under Sections 147, 148, 448, 427 and 506(ii) I.P.C. Though the said complaint was registered as early as in the year 2012, even after a lapse of more than three years, no action was taken on the said complaint. Hence, the petition.

3. Today, when the matter was taken up for consideration, learned Additional Public Prosecutor submitted that on completion of investigation, Crime No.352 of 2012 was closed as mistake of fact on the same day itself i.e., on 26.9.2012. However, till date, the respondent has not filed Referred Charge Sheet before the learned Magistrate concerned.

4. In view of the submission made by the learned Additional Public Prosecutor, I am of the opinion, nothing survives in this petition. Hence, the criminal original petition is dismissed. However, the respondent is directed to file Referred Charge Sheet before the learned Magistrate concerned. He is also directed to serve RCS Notice to the petitioner and on receipt of RCS Notice, the petitioner is at liberty to file protest petition.

sbi

Sd/-
Assistant Registrar (Judicial)
/TRUE COPY/
Sub-Assistant Registrar

To

1.The Inspector of Police,
Eadappadi Police Station,
Salem.

2 The Public Prosecutor,
High Court, Madras.

+1CC to MR.B.LENIN BALU Advocate SR.NO.2305/2016

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KGK [CO]

MK : 04/02/2016

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