



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2018

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.OP.No.28168 of 2017

M.Natarajan

...Petitioner/.Petitioner

Vs.

1. The State rep.by
The Inspector of Police
Avinashi Police Station
Avinashi
Tirupur District.

2. The Superintendent of Police
Tirupur District.

3. The Revenue Divisional Officer-cum
Sub-Collector,
Tiruppur District.

...Respondents/Respondents

[R3 is impleaded as per the order of this Court, dated
26.02.2018 made in Crl.MP.No.2677 of 2018 in
Crl.OP.No.28168 of 2017]

Prayer : Criminal Original Petition filed under Section 482 Cr.P.C to direct the Revenue Divisional Officer cum Sub Collector, Tiruppur to comply with the order dated 09.11.2016 passed in Crl.OP.No.571 of 2016 and also direct the Judicial Magistrate, Avinashi to entertain the petition filed by the petitioner.

For Petitioner : Mr.M.Muniruddin Sheriff

For Respondents : Mr.C.Raghavan
Government Advocate (Crl.Side)



ORDER

This Criminal Original Petition has been filed seeking for a direction to the Revenue Divisional Officer cum Sub Collector, Tiruppur, to comply with the order passed by this Court, dated 09.11.2016 in Crl.OP.No.571 of 2016.

2. This Court passed an order in Crl.OP.No.571 of 2016, which is extracted hereunder:-

'The learned Additional Public Prosecutor, on instructions, submitted that investigation has been completed and the case has been closed as 'further action dropped' and a closure report has also been filed before the Revenue Divisional Officer cum Sub Collector, Tiruppur, on 24.04.2015. He further submitted that a RCS notice has also been served on the petitioner on 27.01.2016. He has also furnished a copy of the closure report to the learned counsel for the petitioner across the bar.

Under such circumstances, the Revenue Divisional Officer cum Sub Collector, Tiruppur, is directed to take a photocopy of the entire records and shall retain the photocopy and transmit the entire original records to the Court of the learned Judicial Magistrate, Avinashi, Tiruppur District, within a period of four weeks from the date of receipt of a copy of this order so that the petitioner can file a protest petition, if so advised.'

3. Subsequent to the above order, the petitioner filed a protest petition before the Judicial Magistrate Court, Avinashi. However, the papers were returned with an endorsement that the Court has not received the FIR and no records are available before the Court.

4. Left with no other option, this petition has been filed seeking for the direction to the respondent to comply with the earlier order passed by this Court.

5. The learned Government Advocate (Crl.Side), on instructions, would submit that the respondent police has filed all the documents before the Court below, pertaining to the closure report on 16.03.2018.

6. In view of the above, no further orders are required to be passed by this Court and the petitioner is at liberty to re-



present the protest petition before the Judicial Magistrate Court, Avinashi and workout his remedy in accordance with law.

7. With the above directions, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

msrm/raja

To

1. The learned Judicial Magistrate,
Avinashi.
2. The Inspector of Police
Avinashi Police Station
Avinashi
Tirupur District.
3. The Superintendent of Police
Tirupur District.
4. The Revenue Divisional Officer-cum
Sub-Collector,
Tiruppur District.
5. The Public Prosecutor
High Court, Madras.

+1cc to Mr.M.Muniruddin Sheriff, Advocate SR.No.81077

Crl.OP.No.28168 of 2017

BS (CO)
GMY (12/12/2018)