



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.01.2018

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE P.RAJAMANICKAMCrl.O.P.(MD) No.664 of 2018

P.Rathiyammal

... Petitioner

-Vs-

1.The Superintendent of Police,
O/o. The Superintendent of Police,
Dindigul.

2.The Inspector of Police,
Sanarpatti Police Station,
Dindigul.

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the first respondent to file charge sheet in the FIR in Crime No.124 of 2015 dated 31.03.2015 and the same in accordance with law.

For Petitioner : Mr.G.M.Xavier

For Respondents : Mr.Prabu Ramachandran,
Government Advocate(Crl.side).

O R D E R

This petition has been filed by the petitioner to direct the second respondent to file a charge sheet based on the FIR registered in Crime No.124 of 2015 dated 31.03.2015.

2.The learned counsel for the petitioner has submitted that the accused persons have assaulted the petitioner on two occasions and hence, he tried to give complaint before the second respondent. The second respondent refused to receive the said complaint. Hence, the petitioner filed a private complaint before the Judicial Magistrate No.III, Dindigul on 11.12.2013 and the learned Judicial Magistrate has forwarded the said complaint to the second respondent under Section 156(3) Cr.P.C to register a case. He further submitted that after receipt of the said order the second respondent has registered a case in Crime No.124 of 2015 on 31.03.2015 under Sections 294(b), 323, 341 and 506(ii) IPC and thereafter no investigation has been done.



3.The learned Government Advocate (Crl.Side) has submitted that after registering a case, investigation has been done and the case was referred as "mistake of fact" and report to that effect has been filed before the Judicial Magistrate No.III, Dindigul on 01.04.2015 itself.

4.The learned counsel for the petitioner by way of reply has submitted that no notice has been served with regard to the report filed by the second respondent before the learned Judicial Magistrate.

5.Considering the aforesaid submissions, the second respondent is directed to serve notice to the petitioner with regard to the report filed by the second respondent before the Judicial Magistrate within a week from the date of receipt of a copy of this order. It is open to the petitioner to seek any other remedy available under law.

6.With the aforesaid observations, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar

To

1.The Judicial Magistrate No.III,
Dindigul

2.Do through The Chief Judicial Magistrate,
Dindigul District

3.The Superintendent of Police,
O/o. The Superintendent of Police,
Dindigul.

4.The Inspector of Police,
Sanarpatti Police Station, Dindigul.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+One cc to Mr.G.M.Xavier, Advocate, SR.No.42597
cp

RL/7C/2P/SV/MMS/SAR1/5/2/2018

Crl.O.P.(MD) No.664 of 2018

<https://hcservices.ecourts.gov.in/hcservices/>

17.01.2018