



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE. N.SESHASAYEE

Crl.O.P.[MD].No.3877 of 2019

WEB COPY

R.Karuppaiah

: Petitioner / *De facto* Complainant

/Vs./

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

2.The Inspector of Police,
Odaipatti Police Station,
Odaipatti, Uthamapalayam Taluk,
Theni District. : Respondents / Complainants
[Crime No.203 of 2015]

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the 2nd respondent to file the final report in Crime No.203 of 2015 dated 04.09.2015 within the time stipulated time as may be fixed by this Court and to arrest the accused.

For Petitioner : Mr.K.Guhan

For Respondents : Mr.V.Neelakandan

Additional Public Prosecutor

ORDER

This petition has been filed to direct the 2nd respondent to file the final report in Crime No.203 of 2015 dated 04.09.2015 within the time stipulated time as may be fixed by this Court and to arrest the accused.

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

3. The learned Additional Public Prosecutor submitted that FIR came to be registered based on the direction of the learned Judicial Magistrate in Crl.M.P.No.6823 of 2015 dated 23.07.2015 and the case is closed as mistake of fact on 09.09.2015.

4. The learned counsel appearing for the petitioner submitted that the petitioner had first moved the police with this complaint, which evoked no reaction from the respondents. Therefore, it was constrained to move the learned Magistrate with the private complaint and the Magistrate has referred the matter to the concerned police under Section 156 (3) Cr.P.C., based on which the FIR itself came to be registered. Curiously enough within 4 days without even obtaining the statement of the petitioner, the case was closed as mistake of fact on 09.09.2015.



5. The learned counsel appearing for the petitioner further submitted that the petitioner received an intimation about the referred charge sheet only by courier in last week after this case came before this Court on 14.03.2019.

WEB COPY

6. Without getting into the merits of the allegation made in the complaint, hurry to close the case as mistake of fact appears to be pre-designed. Inasmuch as the referred charge sheet is only intimated to the petitioner now, the petitioner is at liberty to approach the concerned Magistrate Court and work out his remedies as per law. Accordingly, this criminal original petition is disposed of.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

To

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

2. The Inspector of Police,
Odaipatti Police Station,
Odaipatti, Uthamapalayam Taluk, Theni District.

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

+1cc to Mr.K.GUHAN, Advocate, SR.No. 55053

Cr1.O.P.[MD].No.3877 of 2019

19.03.2019

SM

KK/SAR/12.04.2019/ 2P- 5C

=