



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.12.2019

CORAM:

THE HONOURABLE **MR. JUSTICE A.D. JAGADISH CHANDIRA**

CrI.O.P. (MD) No.18006 of 2019

and CrI.M.P. (MD) No.10587 of 2019

WEB COPY

S.Seethai : Petitioner/Defacto Complainant
Vs.

1.The Superintendent of Police
Pudukottai District,
Pudukottai

: Respondent No.1

2. The Inspector of Police,
K.Pudupatti Police Station
K.Pudupatti
Pudukottai District

: 2nd Respondent / Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to direct the first respondent to withdraw the investigation in Crime No.141 of 2016 dated 13.09.2017 on the file of the second respondent and entrust the same to the competent officer for investigation other than the second respondent.

For Petitioner : Mr.V.Rajiv Rufus

For Respondents : Mrs.S.Bharathi

Government Advocate (CrI.Side)

ORDER

This Criminal Original Petition has been filed to direct the first respondent to withdraw the investigation in Crime No.141 of 2016 dated 13.09.2017 on the file of the second respondent and entrust the same to the competent officer for investigation other than the second respondent.

2.When the matter is taken up for hearing, the learned Government Advocate (CrI.side) appearing for the second respondent would submit that investigation has been completed and the case has been closed as "Mistake of Fact" and notice was served on Seenivasan, the husband of the petitioner who is the complainant in Crime No. 141 of 2017.

3. In view of the closure of the case, the Criminal Original Petition is dismissed. Consequently connected miscellaneous petition is also closed.

4. At this juncture the learned counsel for the petitioner would submit that no notice has been served either to the petitioner or her husband

5. It is made clear that law mandates notice on the complainant/victim before the final report is accepted by the Court. However if the RCS notice is not served on the petitioner,



the petitioner is at liberty to file protest petition before the concerned Magistrate. The learned Magistrate is directed to hear the same and pass orders in accordance with law.

Sd/-

Assistant Registrar (W)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Judicial Magistrate, Thirumayam

2.The Superintendent of Police
Pudukottai District
Pudukottai

3. The Inspector of Police,
K.Pudupatti Police Station
K.Pudupatti
Pudukottai District

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

+1cc to Mr.V.Rajiv Rufus, Advocate, Sr.No.103135/19

Cr1.O.P. (MD)No.18006 of 2019
03.12.2019

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