

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2020

CORAM

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

CRL.O.P.No.33350 of 2019

K.Palaniyammal

... Petitioner

Vs.

1. The Superintendent of Police,  
Erode District,  
Erode - 638 001.

2. The Inspector of Police,  
Bangalapudur Police Station,  
Erode District,  
Crime No.289 of 2019.

... Respondents

Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to transfer the investigation pending on the file of Bangalapudur Police Station, Erode District, in Crime No.289 of 2019 to some other competent agency.

For Petitioner : Mr.S.Suresh  
For Respondents : Mr.S.Karthikeyan  
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to transfer the investigation pending on the file of Bangalapudur Police Station, Erode District, in Crime No.289 of 2019 to some other competent agency.

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

3. Today, when the petition came up for hearing, the learned Additional Public Prosecutor, on instructions, would submit that in respect of Crime No.289 of 2019, the second respondent being the Investigation Officer in the above referred case had completed the investigation and filed a final report on

18.09.2020 as Mistake of fact. However, he fairly conceded that before filing the final report, R.C.S Notice has not been served to the defacto complainant.

4. Considering the said submission with the relevant records, it is the duty cast upon the investigation officer to serve the R.C.S Notice before filing the final report. Then only, the defacto complainant has to approach the competent forum for taking appropriate action. Therefore, it would be appropriate to direct the second respondent to serve RCS notice.

5. Accordingly, the second respondent is directed to serve RCS notice to the petitioner within a period of two weeks from the date of receipt of a copy of this order. Upon such receipt of the said notice, the petitioner is at liberty to approach the competent court for taking further action.

6. With the above direction, this Criminal Original Petition is disposed of.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police, Erode District, Erode - 638 001.

2. The Inspector of Police, Bangalapudur Police Station, Erode District.

3. The Public Prosecutor, High Court, Madras.

+1 cc to M/s.D.Gopal, Advocate Sr.No. 33203

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MP(CO)  
RMP(05/11/2020)