



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.09.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **R.PONGIAPPAN**

CrI.O.P.[MD]No.21224 of 2018

WEB COPY

J.Surendar

... Petitioner

Vs.

1.The Commissioner of Police,
O/o. Commissioner of Police,
Madurai, Madurai City.

2.The Inspector of Police,
Sellur Police Station (L & O),
Madurai.

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to issue a direction by directing the first respondent to transfer the investigation of the case in Crime No.1498 of 2018, on the file of the second respondent herein to any other agency under the supervision of the first respondent within a stipulated time as fixed by this Court.

For Petitioner : Mr.K.Sivabalan

For Respondents : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Criminal side)

ORDER

This criminal original petition has been filed seeking a direction to direct the first respondent to transfer the investigation of the case in Crime No.1498 of 2018, on the file of the second respondent herein to any other agency under the supervision of the first respondent within the stipulated time as fixed by this Court.

2. Today, when the petition is taken up for hearing, the learned Government Advocate (Criminal side), appearing for the respondents, on instructions, would submit that in respect of Crime No.1498 of 2018, the second respondent Police has completed the investigation and filed a final report on 20.12.2018 itself, before the concerned Jurisdictional Court as "further action dropped". The aforesaid submission made by the learned Government Advocate (Criminal side) appearing for the respondents is recorded.

3. However, the learned counsel appearing for the petitioners would submit that while at the time of filing the final



report, no notice had been served on the de facto complainant.

4. Upon considering the said submission, in general, it is duty of the Police Officer to send a R.C.S. notice to the de facto complainant, before filing a final report, so as to file a protest petition. If such notice is not sent to the de facto complainant, he loses the opportunity to take appropriate steps for challenging the said final report. Therefore, in the said circumstances, it is appropriate to direct the second respondent to serve R.C.S. Notice to the *de facto* complainant. Therefore, the second respondent is directed to serve R.C.S. notice to the petitioner, within a period of one week from the date of receipt of a copy of this order.

5. With the above direction, the Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

tsg

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Commissioner of Police,
O/o. Commissioner of Police,
Madurai, Madurai City.
- 2.The Inspector of Police,
Sellur Police Station (L & O),
Madurai.

Copy To:-The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
CrI.O.P.[MD]No.21224 of 2018
18.09.2020

SRK(CO)

AP/30/09/2020) 2P 4C
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