



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P No.4117 of 2021

Rajarathinam
S/o.Ayyasamy

... Petitioner

Vs.

1.The State rep by
The Deputy Superintendent of Police
O/o. Deputy Superintendent of Police
Thittakudi
Cuddalore District

2.The Inspector of Police
Veppur Police Station
Cuddalore District

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Code of Criminal Procedure to issue direction, directing the 1st respondent to register the complaint dated 30.09.2016 in view of the order passed by the learned Judicial Magistrate No.I, Vridhachalam in Crl.M.P.No.4499 of 2016, order dated 13.10.2016.

For Petitioner : Mr.R.Thirumoorthy

For Respondent : Mr.E.Raj Thilak
Government Advocate (Crl. Side)

ORDER

(This case has been heard through video conference)

Mr.N.Venkatesan, the Deputy Superintendent of Police, Thittakudi Sub-Division, Cuddalore District is present before this Court today and filed a status report. It is submitted that pursuant to the order passed by this Court on 10.03.2021, he was not informed about the proceedings and thereafter only on 24.03.2021 he came to know that his presence is required before this Court. Thereafter, he had filed a status report on 26.03.2021 and today also he is present before this Court. In view of the same, the presence of the Deputy Superintendent of



Police is hereby recorded and his presence is dispensed with accordingly.

2.This Criminal Original Petition has been filed seeking to issue a direction, directing the 1st respondent to register the complaint dated 30.09.2016 in view of the order passed by the learned Judicial Magistrate No.I, Vridhachalam in Crl.M.P.No.4499 of 2016 vide order dated 13.10.2016.

3.The petitioner had sent a complaint to the Judicial Magistrate No.I, Vridhachalam in Crl.M.P.No.4499 of 2016 dated 30.09.2016. The learned Judicial Magistrate No.I, Vridhachalam, heard the complaint and forwarded the same u/s.156(3) Cr.P.C. to the 1st respondent vide order dated 13.10.2016 and till date no action has been taken. Hence the above petition.

4.It is seen that on the complaint of the petitioner, a case in Crime No.280 of 2016 for the offence u/s.120(b), 192, 420, 166, 109 IPC against three persons have been registered. Not satisfied with the complaint and progress of the investigation in Crime No.280 of 2016, the petitioner was forced to file a subsequent petition before the Judicial Magistrate No.1, Vridhachalam. Thereafter, the Inspector of Police, Veppur Police Station, Cuddalore District, had not conducted the investigation as expected and contemplated in law. Hence the petitioner has filed the above petition.

5.Mr.E.Raj Thilak, the learned Government Advocate (Crl. Side) would submit that the matter is listed before the Judicial Magistrate No.I, Vridhachalm on 19.07.2021 for hearing.

6.Mr.N.Venkatesan, Deputy Superintendent of Police, Thittakdi Sub-Division, Cuddalore District had filed a status report and the same has been taken on record.

7.It is seen from the status report that the witnesses have been examined and final report in Crime No.280 of 2016 has been closed as "Mistake of Fact" in R.C.S.No.30 of 2016 dated 30.12.2016. Since the R.C.S. Notice could not be served on the petitioner, it was affixed on the door of the petitioner / defacto complainant in the presence of the Village Assistant, Sepakam Village. The Deputy Superintendent of Police, Thittakudi has filed a report on 28.11.2017 before the Judicial Magistrate No.I, Vridhachalam stating that the Inspector of Police in compliance to the law properly investigated the above case and he has not fabricated any evidence against the petitioner. A copy of the report was again filed before the Judicial Magistrate No.I, Vridhachalam on 24.03.2021.

8.In view of the above, nothing survives in this petition



for further adjudication. The petitioner is granted liberty to file a protest petition and take the case to its logical end. The counsel for the petitioner was informed that the matter is coming before the Judicial Magistrate No.I, Vridhachalm on 19.07.2021. The counsel for the petitioner undertakes to inform the petitioner through his counter part in the Lower Court to file proper petition. The Deputy Superintendent of Police, Thittakudi also undertakes to inform and serve R.C.S. Notice to the petitioner in the address mentioned in the petition.

9.This criminal original petition stands disposed of accordingly.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kas

To.

1.The Deputy Superintendent of Police
O/o. Deputy Superintendent of Police
Thittakudi
Cuddalore District

2.The Inspector of Police
Veppur Police Station
Cuddalore District

3.The Public Prosecutor
High Court of Madras
Chennai 600 104

Cr1.O.P No.4117 of 2021

RSV(CO)
SB(02/08/2021)