



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.11409 of 2021

V. Sundararajan

... Petitioner

Versus

The Inspector of Police,
Vanoor Police Station,
Villupuram District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to issue appropriate direction to the respondent to file the final report in the case registered in FIR 139 of 2011 dated 13.08.2011.

For Petitioner : Mr.C.Balasundar

For Respondent : Mr.A.Damodaran,
Government Advocate (Crl.Side)

ORDER

This petition has been filed to issue appropriate direction to the respondent to file the final report in the case registered in FIR 139 of 2011 dated 13.08.2011.

2. The petitioner owns about 5 acres of land at Vanur Village, which he got under family partition and he has been cultivating Cassurina Trees about 3 acres. When the trees were ripe and ready for cutting, one Thulasirajan, Nahilan @ Soundarajan & Vivek joined together and cut down all the trees, which are worth about more than Rs.3 lakhs. Hence, the petitioner made a complaint and a case was registered in FIR No.139 of 2011. Thereafter, nothing is known about the fate of the First Information Report. Hence, he has filed this petition, seeking a direction to file a final report.



3. The learned Government Advocate (Crl.Side) has submitted that in this case, a complaint was lodged on 13.08.2011. Thereafter, immediately the First Information Report was registered against the named persons and investigation was conducted. During the investigation, it was found that the complaint is a motivated one, and there is a dispute with regard to the inheritance of the property. Hence, the case was closed as "mistake of fact" in RCS.No.8 of 2011 dated 23.08.2011, which was served to the petitioner stating that the offence is said to have taken place prior to 25.12.2010 and it is a motivated complaint. He further submitted that RCS is yet to be filed before the Judicial Magistrate, Vanoor.

4. The contention of the petitioner is that he has not been served with the RCS notice. On the submission of the learned Government Advocate (Crl.Side), it is seen that RCS.No.8 of 2011 has not yet been filed before the Judicial Magistrate, Vanoor. Hence, RCS notice to be served to the petitioner and thereafter to be filed before the concerned Jurisdictional Magistrate. The petitioner to file a protest petition if he so desires, at take it to it logical conclusion.

5. In view of the same, the respondent police is directed to file RCS notice before the Judicial Magistrate, Vanoor within a period of two weeks and thereafter, notice to be served to the petitioner, so that the he can file any protest petition, if he decided to do so, within a period of two weeks from the commencement of normal functioning of this Court.

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

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

dna

To

1.The Judicial Magistrate,
Vanoor.



2. The Inspector of Police,
Vanoor Police Station,
Villupuram District.

WEB COPY

3. The Public Prosecutor,
High Court,
Madras.

CRL.O.P.No.11409 of 2021

PCH (CO)
SU (22/07/2021)