



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.02.2021

CORAM :

THE HONOURABLE **Mrs. JUSTICE R. HEMALATHA**

Crl.O.P. (MD)No.2242 of 2021

H.Edison

... Petitioner

Vs.

1.State rep., by
The Superintendent of Police,
Kanniyakumari District,
at Nagercoil.

2.The Inspector of Police,
Marthandam Police Station,
Marthandam Post,
Kanniyakumari District.
(Crime No.1040 of 2020)

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the code of Criminal Procedure to direct the respondents to file a charge sheet in Crime No.1040 of 2020 on the file of the respondent Police.

For Petitioner	: Mr.M.Francis Xavier
For Respondents	: Mr.R.Erottusamy
	Government Advocate (Criminal Side)

ORDER

The present petition is filed by the petitioner under Section 482 of the Code of Criminal Procedure seeking for a direction to the respondents to file a charge sheet in Crime No.1040 of 2020 of Marthandam Police Station.

2.Mr.R.Erottusamy, learned Government Advocate (Criminal side) accepts notice on behalf of the respondents and would submit that the First Information Report in Crime No.1040 of 2020 of Marthandam Police Station was closed treating the case as 'Mistake of Fact' and that a referred charge sheet is also made ready.

3.In the circumstances, the second respondent is directed to file a referred charge sheet before the concerned jurisdictional Magistrate Court within a period of two weeks from the date of receipt of a copy of this order, after issuing notice to the defacto complainant. If the petitioner is aggrieved over the referred charge sheet filed by the second respondent, he can approach the jurisdictional Magistrate and file a protest petition, if he is so advised.



4.With the above observation, the Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (crl)

WEB COPY

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

rmk

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 Superintendent of Police,
Kanniyakumari District,
at Nagercoil.
- 2.The Inspector of Police,
Marthandam Police Station,
Marthandam Post,
Kanniyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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KG (CO)

KB(04.03.2021) 2P 4C