



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.03.2021

CORAM:

THE HONOURABLE Mrs.JUSTICE R.HEMALATHA

Crl.O.P.(MD)No.2179 of 2021

D.Kamaraj ...Petitioner

/Vs./

The Inspector of Police,
Orathanadu Police Station, Thanjavur District.
(Crime No.552 of 2010) ...Respondent

PRAYER: Petition filed under Section 482 of the Code of Criminal Procedure, to direct the learned Judicial Magistrate, Orathanadu, to dispose of the petition filed by the petitioner under Section 173 (8) of the Code of Criminal Procedure in Cr.M.P.No.4736 of 2014 on its file within the time limit stimulated by this Hon'ble Court.

For Petitioner :Mr.R.Maheswaran
For Respondent :Mr.A.Robinson
Government Advocate (Criminal Side)

ORDER

This petition is filed seeking for a direction to the Judicial Magistrate, Orathanadu, to dispose of the petition in Cr.M.P.No.4736 of 2014.

2.Mr.R.Maheswaran, learned counsel for the petitioner contended that the Judicial Magistrate, Orathanadu, did not pass any orders on the petition filed by the petitioner under Section 173 (8) of the Code of Criminal Procedure in Cr.M.P.No.4736 of 2014.

3.A perusal of the records shows that based on the complaint lodged by the present petitioner/defacto complainant, the Inspector of Police, Orathanadu Police Station, Thanjavur, registered the First Information Report in Crime No.552 of 2010 and after conducting enquiry, laid a referred charge sheet before the Judicial Magistrate, Orathanadu. Subsequently, the present petitioner's mother filed a protest petition before the Judicial Magistrate, Orathanadu in Cr.M.P.No.2135 of 2011 and the Judicial Magistrate, Orathanadu, directed the Inspector of Police, Orathanadu Police Station, Thanjavur, to reinvestigate the case in Crime No.552 of 2010. As per the orders of the Judicial Magistrate, Orathanadu, the Inspector of Police, Orathanadu Police Station, Thanjavur, conducted investigation and laid another referred charge sheet closing the case as "mistake of fact". Thereafter, the present petitioner filed a protest petition before the Judicial Magistrate,



Orathanadu in Cr.M.P.No.4736 of 2014. The main grievance of the petitioner is that no orders have been passed in the said petition.

4.Though the second protest petition is filed by the present petitioner, the Judicial Magistrate, Orathanadu, shall dispose of Cr.M.P.No.4736 of 2014, in accordance with law, based on merits and on findings, within a period of three months from the date of receipt of a copy of this order, after affording opportunity to the present petitioner.

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

Sd/-

Assistant Registrar (RTI Act)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 Judicial Magistrate, Orathanadu, Thanjavur District.
- 2.The Chief Judicial Magistrate, Thanjavur District.
- 3.The Inspector of Police, Orathanadu Police Station, Thanjavur District.
- 4.The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

Copy to:

The Registrar (Judicial),
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.MAHESWARAN, Advocate (SR-11400[F] dated 16/03/2021)

Order made in
CrI.O.P.(MD)No.2179 of 2021
15.03.2021

KV (13.05.2021) P 7C