



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.08.2021

CORAM :

THE HONOURABLE **Mr. JUSTICE G.ILANGO VAN**

Crl.O.P.(MD)No.12535 of 2021 and
Crl.MP(MD) No.6401 of 2021

S.Vijayakumar

... Petitioner/Defacto
Complainant

Vs.

1.The Inspector of Police,
Thirukkatuppalli Police Station,
Thirukkatuppalli,
Thanjavur District.

2.Saravanakumar

... Respondents/Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent No.1 to file Charge Sheet in Crime No.225 of 2013.

For Petitioner

: Mr.A.Arunprasad

For Respondents

: Mr.R.M.Anbunithi,

Additional Public Prosecutor(Crl Side)

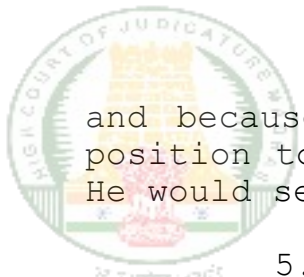
ORDER

This petition is filed to direct the respondent No.1 to file Charge Sheet in Crime No.225 of 2013.

2.The case of the petitioner is that he is the defacto complainant in Crime No.225 of 2013 and counter case in Crime No.224 of 2013. Investigation in the counter case has been completed and Final Report was also filed, which was also taken on file in CC No.253 of 2013. The grievance of the petitioner is that the respondent has not filed Charge Sheet in Crime No.225 of 2013 so far. Hence, this petition.

3.The learned Additional Public Prosecutor would submit that based upon the complaint given by the defacto complainant, a case in Crime No.225 of 2013 has been registered and after completion of investigation it was closed as 'mistake of fact' on 22.05.2013 itself. However, closure report was not filed before the concerned Court. RCS Notice is also not served upon the petitioner.

4.The learned counsel for the petitioner would submit that due to non-submission of closure report before the concerned Court



and because of non-serving of RCS Notice to him, he is not in a position to mark documents in connected matter (CC No.253 of 2013). He would seek stay of the above said proceedings.

5.The submission made by the learned Additional Public Prosecution is recorded. There shall be a direction to the respondent police to file the closure report before the concerned Court within a period of 15 days from the date of receipt of a copy of this order. There shall be a further direction to the respondent police to serve RCS Notice upon the petitioner. After receiving the RCS Notice, the petitioner may work out his remedy through appropriate proceedings, if he is aggrieved by the closure report. Regarding the request made by the petitioner insofar as stay of proceedings in CC No.253 of 2013 is concerned, the petitioner is at liberty to approach the concerned Court.

6.With the above direction, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vrn

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 Inspector of Police,
Thirukkatuppalli Police Station,
Thirukkatuppalli,
Thanjavur District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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MGJ(07.09.2021) 2P 3C