



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2022

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.5074 of 2022

L.Baba,
S/o.Lal Basha

... Petitioner

Vs

State Represented by
The Inspector of Police,
Bargur Police Station,
Krishnagiri District.

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent to file the final report in FIR No.162 of 2008 within a stipulated period as may be fixed by this Hon'ble Court.

For Petitioner	:	Mr.G.Dhanasekaran
For Respondent	:	Mr.V.Meganathan Government Advocate (criminal side)

ORDER

This Criminal Original Petition has been filed, to direct the respondent to file the final report in FIR No.162 of 2008 within a stipulated period as may be fixed by this Hon'ble Court.

2. When the matter is taken up for hearing, Mr.V.Meganathan, learned Government Advocate (criminal side) would submit that investigation in FIR No.162 of 2008 has been completed as early as on 08.09.2008 and the case has been referred as "Mistake of fact".

3. At this juncture, learned counsel for the petitioner would submit that the final report has not been served on the petitioner.

4. In Union Public Service Commission Vs S.Papaiah and others, (1993) 7 SCC 614, the Hon'ble Apex Court has held that



the Magistrate must give notice and opportunity of hearing to the informant before accepting the final report. However, in this case, it has not been done, the concerned Jurisdictional Magistrate is directed to issue notice to the petitioner regarding the final report. On such notice, the petitioner is at liberty to file the protest petition, if the petitioner is being aggrieved with the closure report.

5. Recording the same, this Criminal Original Petition stands closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

shk/arb

To

1. The Inspector of Police,
Bargur Police Station,
Krishnagiri District.

2. The Public Prosecutor,
High Court of Madras.

+3ccs to Mr.G.Dhanasekaran, Advocate SR. No. 15091

Cr1.O.P.No.5074 of 2022

SV (CO)

PR (23/03/2022)