



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.6305 of 2022

Jothirathinam ...Petitioner/Defacto Complainant

Vs.

State by,

The Inspector of Police,
Omalur Police Station,
Salem.

(Crime No.1125 of 2020) ...Respondent/Complainant

PRAYER: This Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to call for the entire records pertaining in RCS notice No.30/2021 on the file of the respondent police, dated Nil and quash the same.

For Petitioner : Mr.B.Kumarasamy

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor.

O R D E R

The Criminal Original Petition has been filed to to call for the entire records pertaining in RCS notice No.30 of 2021 on the file of the respondent police, dated Nil and quash the same.

2. Mr.A.Gokulakrishnan, learned Additional Public Prosecutor would submit that based on the complaint given by the petitioner on 18.09.2020, a case was registered by the respondent in Crime No.1125 of 2020 for offences under Section 341, 294(b), 323 and 324 of IPC. The respondent, after completion of investigation, has referred the case as mistake of fact and filed the RCS Notice No.30 of 2021, before the Judicial Magistrate, Omalur on 10.02.2022. If at all the petitioner is aggrieved the same, he has to file a protest petition before the appropriate Court. He would further submit that the petition before this Court is not maintainable.

3. Heard the learned counsel and perused the materials available on records.



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4. In view of the above, this Court is of the opinion that the option available to the petitioner is to challenge the RCS Notice by way of filing a protest petition before the Court concerned. Accordingly, this Criminal Original Petition stands dismissed.

5. Registry is directed to return the original copy of the impugned order to the petitioner.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

ham/rgi

To

1.The Inspector of Police,
Omalur Police Station,
Salem.

2.The Public Prosecutor,
High Court of Madras.

Copy to:

The Section Officer,
E.R.Section,
High Court,
Madras-104.

(To return the original copy of the impugned order to the petitioner)

+1cc to Mr.B.Kumarasamy, Advocate SR. No.19389

Cr1.O.P.No.6305 of 2022

GPL (CO)
PR (04/04/2022)