



CrI.O.P.(MD)No.5669 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 28.03.2023

CORAM :

THE HONOURABLE Mr. JUSTICE G.JLANGOVAN

CrI.O.P.(MD)No.5669 of 2023

Thangarathinam

... Petitioner

Vs.

1. The District Superintendent of Police,
Theni District,
Theni.

2. The Inspector of Police,
Devadhanapatti Police Station,
Theni District.

3. Palanisamy,
S/o. Not Known,
Secretary, Primary Agricultural Credit Society,
Genguvarpatti,
Theni District.

4. Anbu Selvam,
S/o. Seeni Thevar,
Pushparani Nagar,
Genguvarpatti,
Theni District.

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, directing the 2nd Respondent to file Charge Sheet in FIR No. 138/2021 dated 01.04.2021, on the file of 2nd Respondent Devadhanapatti Police Station, Theni District before the concerned Judicial Magistrate Court within the stipulated time fixed by this Court.



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For Petitioner : Mr.R. Murugappan
For Respondents : Mr.P. Kottai Chamy
Government Advocate
(Criminal Side)

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., directing the 2nd Respondent to file Charge Sheet in FIR No. 138/2021 dated 01.04.2021, on the file of 2nd Respondent Devadhanapatti Police Station, Theni District before the concerned Judicial Magistrate Court within the stipulated time fixed by this Court.

2. When the matter is taken up for hearing today, the learned Government Advocate (Crl. Side) appearing for the respondents 1 and 2 would submit that the respondent, after completing the investigation in Crime No.138 of 2021, has laid the final report dated 03.03.2023 as 'Mistake of Fact'. He further submitted that RCS notice was also served to the petitioner.

3. At this juncture, the learned counsel appearing for the petitioner would submit that RCS notice was not served on the petitioner/defacto complainant either by the respondent police or from the concerned Court.

4. Recording the submissions made on either sides, the second respondent is directed to serve RCS notice on the petitioner/defacto



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complainant and on receipt of the same, the petitioner is at liberty to work out his remedy through appropriate proceedings. Accordingly, this Criminal Original Petition stands disposed of.

5. With the above direction, this Criminal Original Petition stands disposed of.

28.03.2023

Index : Yes/No
Internet: Yes/No
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To

1. The District Superintendent of Police,
Theni District,
Theni.
2. The Inspector of Police,
Devadhanapatti Police Station,
Theni District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN, J.,

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