



*Crl.O.P.(MD)No.11155 of 2023*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:17.07.2023

CORAM

THE HON'BLE DR.JUSTICE D.NAGARJUN

**Crl.O.P.(MD)No.11155 of 2023**

Thangaswamy

... Petitioner

Vs.

1. The Superintendent of Police,  
Kanyakumari District, Nagercoil.

2. The Inspector of Police,  
Aralvoimozhi Police Station,  
Kanyakumari District.

... Respondents

**PRAYER :** Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the Learned Judicial Magistrate, Boothapondy, Kanyakumari District, to number the protest petition filed under sec.173(8) of cr.pc in Unnumbered Cr.MP.No. of 2023 in Cr.No. 271 of 2013 by the petitioner and dispose the same within the period that may be stipulated by this Court.

For Petitioner : Mr.M.Sankar

For Respondents : Mr.E,Antony Sahaya Prabahar  
Additional Public Prosecutor  
for R1 and R2



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*CrI.O.P.(MD)No.11155 of 2023*

## **ORDER**

This petition is filed seeking for a direction to the the learned Judicial Magistrate, Boothapondy, Kanyakumari District, to number the protest petition filed under Sec.173(8) of Cr.P.C. in unnumbered Cr.MP.No. of 2023 in Cr.No.271 of 2013 by the petitioner.

2. When the matter earlier came for admission, this Court has directed the learned District Munsif-cum-Judicial Magistrate, Bhoothapandy, to report as to why the petition filed by the petitioner under Section 173(8) of Cr.P.C. has not been numbered. Learned District Munsif-cum-Judicial Magistrate, Bhoothapandy, has sent a report stating that when as on the date of filing application by the petitioner under Section 173(8) on 02.05.2023, police have not filed final report under Section 173 thereby, the petition filed by the petitioner under Section 173(8) could not be registered. The report is accepted.

3. Learned Additional Public Prosecutor submits that the police have filed the final report under Section 173 of Cr.P.C. before the



*Crl.O.P.(MD)No.11155 of 2023*

learned District Munsif-cum-Judicial Magistrate on 25.04.2023 and Referred Charge Sheet notice was also served by the respondents police to the petitioner.

4. Considering the same, if at all police have filed the final report in Crime No.271 of 2013, now the learned District Munsif-cum-Judicial Magistrate, Bhoothapandy, is directed to number the petition filed by the petitioner under Section 173(8) and dispose of the same on merits by following the procedure after hearing both the sides. Accordingly, this petition is disposed of.

**17.07.2023**

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|----------|---|----------|
| NCC      | : | Yes / No |
| Index    | : | Yes / No |
| Internet | : | Yes / No |
| PKN      |   |          |



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To

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



*Crl.O.P.(MD)No.11155 of 2023*

**DR.D.NAGARJUN,J**

PKN

**W.P.(MD)No.11155 of 2023**

Dated: 17.07.2023