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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.4633 of 2024
and CRL.M.P No.3382 of 2024

D.Muthukumaran

...Petitioner

Vs.

State By: The Inspector of Police,
Chidambaram Town Police Station,
Cuddalore District.
(Crime No.188 of 2018)

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to pass an order to reinvestigation of the above said in Crime No.188 of 2018 on the file of the Judicial Magistrate No.II, Chidambaram in CC.No.78 of 2023 for proper time bound court Monitored reinvestigation in pursuant to the order dated 23.01.2024 of this Court in Crl.O.P.No.1164 of 2024 and to file a final report before the Judicial Magistrate No.II Court, Chidambaram.

For Petitioner : Mr.J.Pradeep

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

This criminal original petition has been filed seeking for re-investigation of the case in Crime No.188 of 2018 which resulted in the filing of the final report in C.C.No.78 of 2023 before the learned Judicial Magistrate-II, Chidambaram on the ground that the main accused person has been dropped in this case even without issuing notice to the *defacto* complainant.

2.The learned Additional Public Prosecutor on instructions submitted that the case is now at the stage of appearance of the accused person.

3.In the considered view of this Court if any of the accused person is dropped in the final report, notice has to be issued to the defacto complainant in order to enable the defacto complainant to file a protest petition and workout the remedy.

4.In this case, this procedure has not been followed. Hence, liberty is granted to the petitioner to file a protest petition before the learned Judicial Magistrate-II, Chidambaram as against the dropping of the name of the accused persons in this case. The same can be considered on its own merits and in



accordance with law by the learned Judicial Magistrate. After taking a decision in that protest petition, the learned Judicial Magistrate shall proceed further with the main case in accordance with law.

5.This criminal original petition is disposed of in the above terms. Consequently, connected miscellaneous petition is closed.

21.03.2024

Index: Yes/No
Speaking order/Non-speaking Order
Neutral Citation: Yes/No
ssr

To

- 1.The Judicial Magistrate No.II, Chidambaram.
- 2.The Inspector of Police,
Chidambaram Town Police Station,
Cuddalore District.
- 3.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J

SSR

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