



WEB COPY



Crl.O.P.No.13628 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED : 12.06.2024

CORAM

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN**

Crl.O.P.No.13628 of 2024

Gopi

... Petitioner

Vs.

The State Rep.by  
The Inspector of Police,  
Pennadam Police Station,  
Cuddalore District.  
(Crime No.452 of 2022)

... Respondent

**Prayer:** Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to direct the Judicial Magistrate, Thittagudi, Cuddalore District to dispose the protest petition in Crl.m.P.No.427 of 2024 as expeditious as possible within a stipulated period.

For Petitioner : Mr.M.Velmurugan

For Respondent : Mr.S.Udaya Kumar  
Government Advocate (Crl.Side)

**ORDER**

The petitioner herein is the defacto complainant in a case registered by the 1<sup>st</sup> respondent police for the offence under Sections 147, 148, 294 (b), 323, 324 506(ii) and 302 IPC. The respondent police on completion



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of investigation had filed final report deleting one of the suspected accused by name Mangu @ Subramanian and another an identified person not in the name.

2. Being aggrieved, the petitioner as the defacto complainant has filed a protest petition in Crl.M.P.No.427 of 2024 and the same is pending disposal on the file of the Judicial Magistrate, Thittagudi, Cuddalore District, since 31.03.2024. Hence the petitioner is before this Court seeking intervene of this Court by way of direction to the Judicial Magistrate to dispose of the protest petition.

3. The learned Government Advocate (Crl.Side) appearing for the respondent police submits that on completion of investigation, the Investigating Officer found that the said Mangu @ Subramanian was not in the place of occurrence and he was in Kerala and therefore, his name was deleted.

4. Even if they had reason to delete one of the suspected accused, notice ought to have given to the defacto complainant. In this case, it is contended that no notice was issued to the defacto complainant



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intimating the decision of the Investigating Officer to drop the name of the Mangu @ Subramanian. This has warranted the petitioner herein to file protest petition. The Judicial Magistrate so far has not passed any order in the protest petition. Therefore, the facts and circumstances, to direct the Judicial Magistrate to consider the material placed by the Investigating Officer along with final report and the averments made in the protest petition and pass orders on merits in CrI.M.P.No.427 of 2024 within a period of four weeks from the date of receipt of a copy of this order.

5. With the above observation, this Criminal Original Petition is disposed of.

**12.06.2024**

Index : Yes/No

Neutral Citation : Yes/No

rpl

To

1.The Inspector of Police,  
Pennadam Police Station,  
Cuddalore District.

**Dr.G.JAYACHANDRAN,J.**

rpl



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2.The Public Prosecutor,  
High Court of Madras,  
Chennai.

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