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Crl.O.P.No.17989 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2024

CORAM

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

Crl.O.P.No.17989 of 2024

Periyathambi

... Petitioner

Vs.

1.The State Rep.by
The Superintendent of Police,
Namakkal District,
Namakkal.

2.The Inspector of Police,
Rasipuram Police Station,
Namakkal District.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to direct the 1st respondent to change the investigation of Crime No.119 of 2023 on the file of the 2nd respondent to any other competent officer.

For Petitioner : Mr.M.Suresh

For Respondents : Mr.K.M.D.Muhilan
Government Advocate (Crl.Side)

ORDER

The petitioner herein is the complainant in Crime No.119 of 2023 on the file of the 2nd respondent alleging that despite direction of this



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Court to complete the investigation and file final report, the respondent police has not conducted investigation properly and therefore, investigation must be changed to some other agency.

2. The learned Government Advocate (Crl.Side) appearing for the respondent police states that on completion of investigation, the Investigating Officer found that it is a 'Mistake of Facts' and Referred Charge Sheet filed before the Judicial Magistrate, Rasipuram on 27.07.2024,

3. The perusal of the RCS report reveals that investigation was completed and report made ready as early as 22.11.2023. However, despite direction of this Court, report filed only after filing a petition for change of investigation. It appears that RCS filed through e-filing on 27.07.2024. Though the learned Government Advocate (Crl.Side) states that the defacto complainant refused to receive RCS notice, this Court does not find any evidence to accept the said explanation. The 2nd respondent is hereby directed to serve the RCS notice to the petitioner herein. On receipt of the notice, the petitioner shall work out his remedy



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by filing protest petition before the Judicial Magistrate.

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4. With this observation, this Criminal Original Petition is disposed of.

29.07.2024

Index : Yes/No

Neutral Citation : Yes/No

rpl

To

1.The State Rep.by
The Superintendent of Police,
Namakkal District,
Namakkal.

2.The Inspector of Police,
Rasipuram Police Station,
Namakkal District.

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



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Dr.G.JAYACHANDRAN,J.

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