



WEB COPY



Cr1.O.P. (MD) No. 2236 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.04.2024

CORAM:

THE HONOURABLE MR. JUSTICE B. PUGALENDHI

Cr1.O.P. (MD) No. 2236 of 2023

S. Balamurugan

... Petitioner

versus

The State Rep. by
The Inspector of Police,
Perungudi Police Station,
Madurai District.

... Respondent

Petition filed under Section 482 Cr.P.C. seeking a direction to the respondent Police to file final report in Crime No. 327 of 2014 pending on the file of the respondent as expeditiously as possible.

For Petitioner : Mr. R. Velmurugan

For Respondent : Mr. T. Senthil Kumar
Additional Public Prosecutor

ORDER

The petitioner has filed this Criminal Original Petition seeking a direction to the respondent Police to file the final report in Crime No. 327 of 2014.



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2. The learned Additional Public Prosecutor submits that for the occurrence said to have taken place in the year 2002, a complaint was lodged by the petitioner in the year 2014, based on which, the respondent Police has conducted an enquiry and closed the same on 18.12.2014. However, the learned Additional Public Prosecutor has expressed his difficulty in tracing out the RCS notice.

3. If a criminal case in Crime No.327 of 2014 has been registered based on the complaint given by the petitioner for the offence under Sections 406, 420 and 506(ii) IPC and the respondent Police has closed the same as mistake of fact, then, the respondent Police ought to have served a RCS notice on the petitioner/complainant. The petitioner/ complainant is having a right to agitate the same before the concerned Court by way of a protest petition.

4. Here, in this case, the respondent Police is not having the RCS notice and a copy of the final



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report. Therefore, the respondent Police is directed to conduct a fresh investigation. In the event, if the case in Crime No.327 of 2014 has been closed as mistake of fact, the respondent Police shall serve a copy of the report to the petitioner/complainant enabling him to work out his remedy before the concerned Court.

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

18.04.2024

NCC : Yes / No.
Index : Yes / No.
Internet: Yes / No.

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To

1. The Inspector of Police,
Perungudi Police Station,
Madurai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B. PUGALENDHI, J.

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