



**W.P.(MD)No.7209 of 2024**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 04.04.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**W.P.(MD)No.7209 of 2024**

Deepa

... Petitioner

Vs.

1.The Superintendent of Police,  
Office of the Superintendent of Police,  
Thanjavur District, Thanjavur.

2.The Inspector of Police,  
Pattukkottai Taluk Police Station,  
Thanjavur District.  
Crime No.223 of 2019

3.The Deputy Superintendent of Police,  
CBCID, Thanjavur District.

... Respondents

**PRAYER:-** Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the first respondent herein to withdraw the case in Crime No.223 of 2019 on the file of the second respondent and entrust the investigation to the third respondent/The Deputy Superintendent of Police, CBCID, Thanjavur District for further investigation within the time stipulated by this Court.

For Petitioner : Mr.S.Sathya Chidambaram

For Respondents : Mr.E.Antony Sahaya Prabahar  
Additional Public Prosecutor



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## **ORDER**

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The petitioner has approached this Court to transfer the investigation in Crime No.223 of 2019 on the file of the second respondent and entrust the investigation to the third respondent/The Deputy Superintendent of Police, CBCID, Thanjavur District for further investigation.

2.The learned Additional Public Prosecutor submits that the investigation has already been completed and they have filed a final report before the Executive Magistrate. The respondents police are not expected to file the final report before the Executive Magistrate. The final report has to be filed only before the concerned Magistrate where the FIR is pending.

3.It appears that the RCS notice has not yet been served on the petitioner. If the second respondent police has referred the case as “Mistake of Fact”, they ought to have issued a notice to the petitioner.

4.Considering the submissions of the learned Additional Public Prosecutor, the second respondent police is to directed to file the final report before the concerned Magistrate within a period of one week from the date of



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receipt of a copy of this order. However, the second respondent police is directed to serve RCS notice to the petitioner and on receipt of the RCS notice, the petitioner is at liberty to file a protest petition before the concerned Magistrate within a period of four weeks from the date of filing of the final report. The learned Judicial Magistrate shall consider the protest petition and pass suitable orders either for further investigation or for a transfer of investigation to some other investigating agency.

5. With the above directions, the Writ Petition is closed. No costs.

Index : Yes/No

Internet : Yes/No

NCC : Yes/No

Sji

To

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Office of the Superintendent of Police,  
Thanjavur District, Thanjavur.

2. The Inspector of Police,  
Pattukkottai Taluk Police Station,  
Thanjavur District.

3. The Deputy Superintendent of Police,  
CBCID, Thanjavur District.

4. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**B.PUGALENDHI, J.**

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