



Crl.O.P.(MD)No.16975 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.02.2024**

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

Crl.O.P.(MD)No.16975 of 2022

N.Ramanathan

... Petitioner

Vs.

The Inspector of Police,
Srivilliputhur Town Police Station,
Virudhunagar District.
Crime No.620 of 2014

...Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the learned Judicial Magistrate No.II, Srivilliputhur to accept and take it on file the protest petition dated 20.07.2022 by giving the Criminal Miscellaneous Petition Number in respect of the mistake of fact report filed in Crime No.620 of 2014 on the file of the respondent.

For petitioner	: Mr.K.Vinayagan
For Respondent	: Mr.S.Manikandan Government Advocate (Crl.side)



ORDER

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This Criminal Original Petition has been filed to direct the learned Judicial Magistrate No.II, Srivilliputhur, to accept the protest petition dated 20.07.2022, filed by the petitioner and take it on file by giving the number, in respect of the mistake of fact report filed in Crime No.620 of 2014 on the file of the respondent Police.

2. The petitioner has lodged a complaint before the respondent Police on 15.07.2014 that for carrying out certain minor repairs in his residential house, he engaged one Ganesan son of Ganamayil Muthiah as mason and that on 05.06.2014, the mason brought one S.K.Ganesan, who was working as Head Constable at Sivagiri Police Station and was recently transferred as Special Sub-Inspector to Tirunelveli District, and due to insufficient space, the said S.K.Ganesan and a woman who came with him were permitted to stay in the house of the petitioner for four hours. Thereafter, the petitioner went out to buy food for them and when he returned back to the home, he found that the things kept in the bureau were found scattered and a sum of Rs.44,000/- kept in the bureau with glass and 18 ¼ sovereign of gold belonging to his mother were also found missing. Hence, he lodged a complaint before the respondent Police. Since the investigation has not been conducted properly, the petitioner herein filed a



petition in Crl.O.P(MD).No.22173 of 2014, with a prayer to direct the Superintendent of Police, Virudhunagar District, to transfer the investigation to some other Competent Officer and this Court, vide order dated 15.01.2015, directed the Superintendent of Police, Virudhunagar District, to personally monitor the investigation in this case and ensure the earlier completion of investigation. Subsequently, the respondent Police has closed the case as mistake of fact on 17.03.2015. Thereafter, the petitioner has filed a protest petition before the learned Judicial Magistrate No.II, Srivilliputhur, however, the trial Court has refused to take the petition on file. Hence, this Petition has been filed.

3. The learned counsel appearing for the petitioner submits that it would suffice if this Court directs the learned Judicial Magistrate No.II, Srivilliputhur, to take the protest petition filed by the petitioner dated 20.07.2022 on file within a reasonable time fixed by this Court.

4. In view of the submission made by the learned counsel appearing for the petitioner, this Court directs the learned Judicial Magistrate No.II, Srivilliputhur, to take the protest petition filed by the petitioner dated 20.07.2022 on file within a period of two weeks from the date of receipt of a copy of this order.



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5. Accordingly, this Criminal Original Petition is disposed of.

14.02.2024

Index : Yes/No

Internet : Yes/No

ssb

To

- 1.The Inspector of Police,
Srivilliputhur Town Police Station,
Virudhunagar District.
- 2.The learned Judicial Magistrate No.II, Srivilliputhur,
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI. J.

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