



Crl.O.P.(MD)No.17013 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.17013 of 2024

Sakthivel

... Petitioner/Defacto
Complainant

Vs.

1.The District Superintendent of Police,
O/o.The District Superintendent of Police,
Tirunelveli District. 627 002.

2.The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
Vallioor Sub Division,
Tirunelveli District – 627 117.

3.The Inspector of Police,
Thisaiyanvilai Police Station,
Thisaiyanvilai Taluk,
Tirunelveli District – 627 657.
Crime No.74 of 2018.

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
to transfer the investigation from the third respondent office to the
second respondent office for conducting fair and impartial investigation
in Crime No.74 of 2018 on the file of the third respondent.

For Petitioner : Mr.R.Karunanidhi



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For Respondents : Mr.P.Kottai Chamy
Government Advocate (Crl. Side)

ORDER

The Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders, to transfer the investigation from the third respondent office to the second respondent office for conducting fair and impartial investigation in Crime No.74 of 2018 on the file of the third respondent.

2. It is seen from the records that on the basis of the complaint given by the petitioner, FIR in Crime No.74 of 2018 came to be registered on 24.02.2018 for the alleged offence under Section 420 of IPC.

3. When the matter is taken up for hearing today, the learned Government Advocate (Criminal Side) appearing for the State would submit that the third respondent, after completing the investigation, has filed the final report on 26.05.2020 as 'mistake of fact'. He would further submit that they have attempted to serve RCS notice, but the petitioner has refused to receive the same.



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4. The learned counsel appearing for the petitioner would submit that they have not attempted to serve any RCS notice on the complainant.

5. Recording the submission made by the learned Government Advocate (Criminal Side), the second respondent is directed to serve RCS notice on the petitioner/defacto complainant immediately and file the final report before the jurisdictional Court within a period of two weeks from the date of receipt of copy of this order, if not filed earlier.

6. With the above directions, this Criminal Original Petition stands disposed of. The petitioner is at liberty to file a protest petition, if so advised before the jurisdictional Court.

14.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
das



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K.MURALI SHANKAR,J.

das

To

- 1.The District Superintendent of Police,
O/o.The District Superintendent of Police,
Tirunelveli District. 627 002.
- 2.The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
Vallioor Sub Division,
Tirunelveli District – 627 117.
- 3.The Inspector of Police,
Thisaiyanvilai Police Station,
Thisaiyanvilai Taluk,
Tirunelveli District – 627 657.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Crl.O.P.(MD)No.17013 of 2024

Dated: 14.10.2024