



Crl.O.P.(MD)No.13889 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.13889 of 2025

Prabakaran

... Petitioner

versus

State of Tamil Nadu, Rep. by
The Inspector of Police,
Kalaiyarkoil Police Station,
Sivagangai District.

...Respondent

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to direct the respondent Police to complete the investigation and file final report in connection with the case in Crime No.309/2022 dated 22.09.2022 on the file of the respondent Police within a time frame fixed by this Court.

For Petitioner : Mr.R.Vinodh

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl. Side)

ORDER

The petitioner, who is the defacto complainant in Crime No.309 of 2022, has filed this petition, seeking a direction to the respondent Police to conclude the investigation in Crime No.309 of 2022 without any further delay.



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2. The learned Government Advocate (Crl. Side) submits that the case in Crime No.309 of 2022 was registered on 22.09.2022. They have concluded the investigation and closed the case as 'mistake of fact' on the very same day. Even according to him, RCS notice was not served on the petitioner. After realizing the mistake, the respondent Police has served RCS notice on 20.08.2025 to the petitioner/defacto complainant and a closure report was also filed before the learned Judicial Magistrate No.I, Sivagangai, on 20.08.2025.

3. This Court considered the rival submissions made.

4. It is very unfortunate that the case in Crime No.309 of 2022 has been closed as mistake of fact on 22.09.2022, however, the same has not been intimated to the petitioner and the final report has also not been filed before the concerned Judicial Magistrate.

5. The case in Crime No.309 of 2022 has been registered for the offence under Sections 147, 148, 294(b), 323, 324, 336 and 506(2) IPC. According to the petitioner, he took treatment as inpatient for nearly 10



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days.
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6. Considering the manner in which the investigation has been conducted and the closure report was filed before the concerned Judicial Magistrate only in the month of August 2025, this Court directs the Superintendent of Police, Sivagangai, to withdraw the case in Crime No.309 of 2022 from the file of the respondent Police and entrust the same to some other investigation officer for further investigation. The Superintendent of Police, Sivagangai, shall enquire into the manner in which the RCS notice has not been served to the petitioner for the past three years and take necessary action as against the erring officials.

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

21.08.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes
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B.PUGALENDHI, J.

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To

1. The Superintendent of Police,
Sivagangai District.
2. The Inspector of Police,
Kalaiyarkoil Police Station,
Sivagangai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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