

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.166 of 2016

S.K.Valli

... Petitioner

Vs

State by

The Inspector of Police,
Karungalpalam Police Station,
Erode District.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent to carry out further investigation in Crime No.1052 of 2010 on the file of the Inspector of Police, Karungalpalam Police Station and file final report within the stipulated time frame to be fixed by this Court.

For Petitioner : Mr.S.Jayakumar

For respondent : Mr.C.Emalias,
Addl.Public Prosecutor.

ORDER

The present criminal original petition has been filed by the petitioner seeking a direction to the respondent police to carry out further investigation in Crime No.1052 of 2010 pending on his file and file final report within a stipulated time frame to be fixed by this Court.

2. It is the case of the petitioner that she is working as Grade-I Police Constable in Erode Town Police Station, Erode District. On 18.7.2010, her husband went out of the house, but did not return home. Hence, she lodged a complaint with the Inspector of Police, Erode Town Police Station on 19.7.2010 and the same was registered in Crime No.1052 of 2010 as 'man missing'. After completion of investigation, the said case was referred as 'mistake of fact' without serving any notice on her. Hence, she has submitted a written representation dated 27.12.2012 to the Superintendent of Police, Erode District, to nominate some

other investigating officer in the place of one Velumani, the Inspector of Police, Erode Town Police Station, who was conducting investigation at the relevant point of time. On 2.1.2013 an order was passed by the Superintendent of Police, Erode District transferring the investigation to the file of the respondent police herein. In the meantime, in Crime No.1052 of 2010, referred charge sheet in RCS No.27 of 2012 was filed by the Inspector of Police, Erode Town Police Station before the learned Judicial Magistrate No.II, Erode. Thereafter, the petitioner filed protest petition in CrI.M.P.No.3097 of 2013 before the learned Judicial Magistrate No.II, Erode, against the final report filed in RCS No.27 of 2012. Though the learned Magistrate passed an order dated 3.5.2013 directing the Inspector of Police, Karungalpalayam Police Station to conduct further investigation under Section 156(3) Cr.P.C. and to file final report on or before 20.6.2013, till date, the respondent herein intentionally refrains from filing final report, which necessitated the petitioner to file this petition.

3. Today, when the matter was taken up for consideration, learned Additional Public Prosecutor filed a detailed counter wherein, in paras 10, 12 and 15, it has been stated as follows:-

" 10. It is submitted that after completion of thorough and detailed investigation, the case was referred as 'mistake of fact' by Tr.Velumani, the then Inspector of Police on 31.12.2012. Regarding that the RCS No.27 of 2012 was served to the complainant through Tmt.Parvathi, Woman Head Constable 569 on 31.12.2012, but she refused the same. On 25.1.2013, the said Tmt.Parvathi and Tr.M.Mohanaganapathy, Grade I Police 2008 served the RCS No.27 of 2012 to the complainant and the same was refused by her. On 30.1.2013, the RCS No.27 of 2012 was served to the complainant through registered post and the same was refused by her. The final report vide RCS No.27 of 2012 dated 31.12.2012 was submitted before the Judicial Magistrate Court No.II, Erode by the then Inspector of Police.

12. It is submitted that on the direction of the Judicial Magistrate No.II, Erode in C.M.P.No.3097 of 2013 dated 3.5.2013 and on the proceedings of the Superintendent of Police, Erode District, vide Na.Ka.No.K3/62/003121/2013 dated 30.1.2013, I have taken up further investigation. At that time, I am worked as

Inspector of Police at Karungalpalayam Police Station, Erode District.

15. It is submitted that the complainant suspected the following persons, regarding her husband kidnapping. Hence, I have examined the following suspected persons, namely, 1. Tr.Chandrasekaran, 2. Tr.Logachandran, 3. Tr.Veerasamy and 4. Tmt.Revathi.

Thus, the learned Additional Public Prosecutor sought for dismissal of the petition.

4. Keeping the submissions made on either side, I have carefully gone through the entire materials available on record.

5. From the statement made in the counter, it could be seen that presently one P.Ramesh, the Inspector of Police, Perundurai Circle, Erode District is conducting the investigation of the case in Crime No.1052 of 2010. Therefore, this Court is of the opinion that there is no need to give any further direction in this matter. However, there shall be a direction to the Inspector of Police, Perundurai Circle, Erode District to expedite the investigation of the case in Crime No.1052 of 2010 and file final report as early as possible, preferably within a period of three months from the date of receipt of a copy of this order. The criminal original petition is disposed of accordingly.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

sbi

To

1.The Inspector of Police,
Karungalpalayam Police Station,
Erode District.

2.The Inspector of Police,
Perundurai Circle,
Erode District.

3.The Public Prosecutor,
High Court, Madras.

1 cc to Mr.S. Jayakumar, Advocate, Sr. 5274

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LRS (CO)
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