



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.OP. (MD) .No.16354 of 2017

K. Subbiah

... Petitioner

Vs.

1. The State represented by,
The Superintendent of Police,
Tuticorin District,
Tuticorin.

2. The Inspector of Police,
Nallantinuthur Police Station,
Kovilpatti.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the second respondent police to secure the accused for proper, fair and speedy investigation and lay the final report in Crime No.172 of 2017 before the concerned Magistrate Court in accordance with law.

For Petitioner

: Mr. S. Muthalraj

For Respondent

: Mr. K.S. Durai Pandiyan,
Additional Public Prosecutor.

ORDER

This Criminal Original petition is filed for issuing a direction to the second respondent to secure the accused for proper and speedy investigation and to lay final report in Crime No.172 of

2017 before the concerned Magistrate Court.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. The petitioner earlier appears to have lodged a complaint as against two individuals stating that he has obtained two electricity service connections in S.C.No.215 and 693 and that the service line itself was disconnected by the proposed accused. Though the case was registered by the second respondent in Crime No.172 of 2017, it is stated that the respondent police have not arrested the accused. It is in these circumstances, the present petition has been filed.

4. This Court has repeatedly held in several cases that the arrest of accused in every cases is not mandatory and that it depends upon the nature of the complaint, the offences committed and the social status of the persons and other factors.

5. Learned Additional Public Prosecutor on instructions submitted that one person who was arrested, was released on bail subsequently. He further submitted that since the other accused is absconding, the respondent police could not secure him. It is further submitted that the respondent police has already taken action and proceeded with the investigation in Crime No.172 of 2017.

6. Having regard to the facts and circumstances of this case, this Court is inclined to dispose this petition with the following direction:-

" The second respondent is directed to complete the



within a period of six months from the date of receipt of a copy of this order. "

7. The Criminal Original petition is disposed of, accordingly.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

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

+1cc to Mr.S.MUTHALRAJ, Advocate SR.No.90041

pmu/ pnn

MV:SV-MMS:SAR1:15/12/2017/3P/5C

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