

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 19.11.2018
CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.28527 of 2018
and WMP.No.34953 of 2018

Santhi,
W/o.Perumalsamy.

... Petitioner

Vs.

- 1.The Superintendent of Police,
Tiruppur.
- 2.The Inspector of Police,
District Crime Branch,
Tiruppur.
- 3.The District Registrar,
The District Registrar Office,
Tiruppur.
- 4.The Sub-Registrar,
The Sub-Registrar Office,
Gomangalam, Pollachi Taluk.
- 5.The Sub-Registrar,
The Sub-Registrar Office,
Udumalpet,
Tiruppur District.
- 6.The Sub-Registrar,
The Sub-Registrar Office,
Dharapuram,
Tiruppur District.
- 7.The Assistant General Manager,
Karur Vysya Bank Ltd.,
Coimbatore Divisional Office,
Post Box No.404, 577,
IInd Floor, Oppanakara Street,
Coimbatore.
- 8.The Branch Manager,
Karur Vysya Bank,
Udumalpet Branch,
Udumalpet.

9.The Branch Manager,
Karur Vysya Bank,
Erisanampatti Branch,
Udumalpet Taluk.

10.The Branch Manager,
HDFC Bank,
Udumalpet Branch,
Udumalpet.

11.The Branch Manager,
Punjab National Bank,
Udumalpet Branch,
Udumalpet.

...Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India seeking Writ of Mandamus directing the respondents police 1 and 2 herein to secure the CCTV footages between 21.05.2018 to 23.05.2018 from the offices of the respondents 3 to 11 and also to secure the details of the Tower Location and Call History between 14.05.2018 and 26.09.2018 of the persons mentioned in the representation dated 20.10.2018 by considering the same within a stipulated time frame by expediting the investigation.

For Petitioner : Mr.D.R.Arunkumar

For Respondents : Mr.C.Raghavan,
Government Advocate (Crl.side)

O R D E R

This Writ Petition has been filed seeking for a direction to the respondent Police to secure the CCTV footages and also the call history and investigate the case pending on the file of the second respondent.

2.The learned counsel for the petitioner would submit that a complaint has been given against the petitioner and three others before the second respondent Police and the same has been taken on file in Crime No.9 of 2018 for the offence under Sections 120B, 477A and 420 of IPC and the investigation is pending. In the meantime, the petitioner gave a complaint against eight named accused persons on 03.06.2018 before the Inspector of Police, Udumalpet Police Station in C.S.R.No.467 of 2018. Subsequently, this complaint has also been forwarded to the second respondent to be investigated along with Crime No.9 of 2018. According to the learned counsel for the petitioner, the second respondent has not conducted any investigation on the

complaint given by the petitioner.

3.The learned counsel for the petitioner would further submit that subsequent to the F.I.R., registered by the second respondent, the petitioner was forced to execute various sale deeds in favour of various persons, who are closely related to the defacto complainant. The petitioner had given the complaint only on the ground that the petitioner was forced to execute the said sale deeds and the respondent Police without investigating the same, have kept the complaint pending.

4.In all cases where there is a case and a counter case, the Police will have to investigate both the cases simultaneously and file separate final reports in both the cases. In fact, such a stipulation has been made even under the Police Standing Orders. The reason behind the same is that, only if both the cases are investigated, the real truth in the case can be found out by the Police. Therefore, the respondent Police will have to necessarily investigate both the case and the counter case and they cannot confine their investigation to one of the F.I.Rs. This Court is not inclined to go into the merits of the various allegations that have been made by the petitioner against the accused persons. It is for the respondent to consider the same in the course of investigation and also collect materials for the purpose of proceeding further with the investigation.

5.The Writ Petition is disposed of with the direction to the second respondent to continue the investigation in C.S.R.No.467 of 2018, strictly following the guidelines of the Hon'ble Supreme Court in the case of Lalitha Kumari Vs. Government of Uttar Pradesh reported in 2013 (6) CTC 353. The second respondent has to investigate both the case and the counter case and file separate reports. The second respondent Police is also directed to take immediate steps to secure the CCTV footages and also call history referred by the petitioner in her complaint in order to ensure that all these materials are not deleted after the stipulated period. It is left open to the second respondent to independently conduct the investigation in both the cases in accordance with law. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The Superintendent of Police,
Tiruppur.
- 2.The Inspector of Police,
District Crime Branch,
Tiruppur.
- 3.The District Registrar,
The District Registrar Office,
Tiruppur.
- 4.The Sub-Registrar,
The Sub-Registrar Office,
Gomangalam,
Pollachi Taluk.
- 5.The Sub-Registrar,
The Sub-Registrar Office,
Udumalpet,
Tiruppur District.
- 6.The Sub-Registrar,
The Sub-Registrar Office,
Dharapuram,
Tiruppur District.
7. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.D.R.Arun Kumar, Advocate, S.R.No. 78852

SSV(CO)
GN(14/12/2018)

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