



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

CRL.O.P. (MD) No.16781 of 2017

WEB COPY

M.Chellapponnu

.. Petitioner

Vs.

1.The Superintendent of Police,
Sivagangai District.

2.The Deputy Superintendent of Police,
Manamadurai,
Sivagangai District.

3.The Inspector of Police,
Poovanthi Police Station,
Sivagangai District.

4.Raja Mohammed,
Sub-Inspector of Police,
Poovanthi Police Station,
Sivagangai District.

5.Jeyaraj,
Special Sub-Inspector of Police,
Poovanthi Police Station,
Sivagangai District.

.. Respondents

Petition is filed under Section 482 of the Criminal Procedure Code, to direct the respondents 1 to 3 to register the case on the complaint, dated 27.10.2017 of the petitioner and to conduct proper investigation and file a report within a stipulated time as may be fixed by this Court.

For Petitioner : Mr.V.Panneerselvam

For R1 to R3 : Mr.K.Suyambulinga Bharathi
Government Advocate (Criminal side)

O R D E R

This Criminal Original Petition has been filed seeking a direction to the respondents 1 to 3 to register a case on the complaint of the petitioner, dated 27.10.2017 and to conduct proper investigation and file a report within a stipulated time as may be fixed by this Court.

<https://hcservices.ecourts.gov.in/hcservices/>

2.According to the petitioner, on 26.10.2017 three sovereigns of gold jewels and a sum of Rs.36,500/- were found



missing and therefore, she went to the third respondent police station to lodge a complaint in this regard. Instead of accepting the said complaint, the respondents 4 and 5 abused the petitioner in filthy language and threatened to kill her and her son. Hence, the petitioner has sent a complaint to the first respondent on 27.10.2017 through registered post. Though they have issued a receipt after enquiry and the same was forwarded to the second respondent, so far no action has been taken on the same. Hence, the petitioner has come forward with this Criminal Original Petition.

3.The learned Government Advocate (Criminal side) submitted that the petitioner has not co-operated for the enquiry and no evidence has been produced to substantiate the allegations levelled against the respondents 4 and 5 and therefore, the complaint was closed.

4.The learned counsel appearing for the petitioner submitted that now, the petitioner is ready and willing to co-operate for enquiry and produce the documents before the authority concerned.

5.A perusal of the complaint shows that the allegations were made against the respondents 4 and 5, who are working as Sub-Inspector of Police and Special Sub-Inspector of Police respectively and the enquiry has been conducted by the Inspector of Police. This Court is not inclined to accept the said closure report, since the allegation by the petitioner is made against the Sub-Inspector of Police and Special Sub-Inspector of Police and the same was closed without duly conducted the enquiry as well as opportunity was not granted to the petitioner. Hence, this Court is of the view that the enquiry shall be conducted not below the rank of Deputy Superintendent of Police on the complaint made by the petitioner.

6.In the light of the above said facts, this Court directs the Deputy Superintendent of Police, Manamadurai, Sivagangai District/second respondent herein to conduct an enquiry on the petitioner's complaint in accordance with law and conclude the enquiry as expeditiously as possible, preferably within a period of four months from the date of receipt of a copy of this order after providing an opportunity to the parties concerned.

7.With the above directions, this Criminal Original Petition is disposed of.

Sd/

Assistant Registrar(Crl side)

/True copy/



To

1.The Superintendent of Police,
Sivagangai District.

2.The Deputy Superintendent of Police,
Manamadurai,
Sivagangai District.

3.The Inspector of Police,
Poovanthi Police Station,
Sivagangai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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26.06.2018

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KK/SB/SAR-2/10.07.2018/3P-5C/