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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
Crl.O.P.[MD].No.5529 of 2016

A.Sekar : Petitioner
Vs.

1.The Superintendent of Police,
Trichy, Trichy District.

2.The Inspector of Police, (Crime)
Manapparai Police Station,
Manapparai,
Trichy District.

: Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the first and second respondents to initiate enquiry and to take necessary action on the petitioner's complaint dated 09.02.2016.

For Petitioner : Mr.A.Haja Mohideen
For Respondents : Mr.K.Suyambulinga Bharathi
Government Advocate[Crl. side]

ORDER

This Criminal Original Petition has been filed for a direction to transfer the investigation.

2.The petitioner's son who was studying in 11th standard died on 28.07.2014, his body was found in a well.

3.The respondent police on the basis of the complaint given by the petitioner, registered an F.I.R., in Crime No.400 of 2014, under Section 174 Cr.P.C.

4.The learned counsel for the petitioner would submit that the second respondent did not conduct investigation properly and therefore, he sought for the transfer of investigation.

5.The learned Government Advocate (Crl.Side) would submit that the second respondent on the basis of the investigation has filed an action dropped report, before the executive Magistrate on 19.06.2016.

6.This Court is of the view that the procedure adopted by the second respondent is totally illegal and opposed to the code of criminal procedure. The respondent who conducts investigation can file a final report only before the learned Judicial Magistrate under Section 173(ii) Cr.P.C. Final report can never be filed before



the executive Magistrate. It is also seen that the so called final report has been filed on the ground that action is dropped.

7.This Court is not satisfied with the manner in which the case has been investigated.

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8.In the facts and circumstances of the case, the second respondent is directed to carry out a fresh investigation in the case, in Crime No.400 of 2014. The said investigation shall be monitored by the first respondent. The investigation shall be conducted effectively and completed expeditiously by the second respondent under the strict monitoring of the first respondent.

9.This Criminal Original Petition is disposed of with the above direction.

Sd/

Assistant Registrar(CS-I)

/True copy/

Sub Assistant Registrar(CS-I)

To

1.The Superintendent of Police,
Trichy, Trichy District.

2.The Inspector of Police,
Manapparai Police Station,
Manapparai, Trichy District.

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

+1cc to Mr.A.HAJA MOHIDHEEN, Advocate, SR.No. 83938

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DAS

KK/SKN/SAR-1/08.10.2018/2P-5C