



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.09.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Cr1OP(MD)No.7028 of 2016

and

Cr1MP(MD)No.4101 of 2016

N.Ram Anand

:Petitioner

Vs.

1.The Commissioner of Police,
Office of the Commissioner of Police,
Madurai.

2.The Superintendent of Police,
Office of the Superintendent of Police,
CBCID, Madurai.
B.B.Kulam,
Madurai District.

3.The Inspector of Police,
Tallakulam Police Station,
Madurai District.

[Crime No.16 of 2010]

:Respondents

PRAYER: Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the Respondent No. 1 to withdraw the case in Crime No. 16 of 2010 dated 02.01.2010 on the file of Respondent No.3 and entrust the same to Respondent No. 2 for investigation of the case by a competent officer and file a final report before the Jurisdictional Magistrate within the time period stipulated by this Honourable Court .

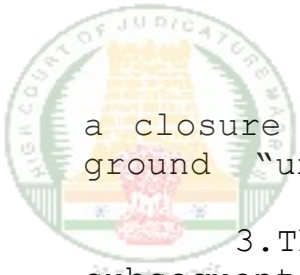
For Petitioner : Mr.T.Lajapathi Roy

For Respondents: Ms.S.Bharathi,
Government Advocate

O R D E R

This petition has been filed to transfer the investigation in Crime No.16 of 2010 pending on the file of the third respondent.

2.The learned Counsel for the petitioner would submit that the petitioner's father went missing and therefore a complaint was given to the respondent Police and the same was registered in Crime No.16 of 2010 as "man-missing" case. Subsequently,



a closure report has been filed by the respondent Police on the ground "undetected" in the year 2013.

3.The learned Counsel for the petitioner would submit that subsequently, it came to light that the petitioner's father died in the year 2012 and he was cremated in Ottanchathiram by his relatives. This was not informed to the petitioner and therefore, the learned Counsel for the petitioner would submit that there is a suspicion behind the death of the petitioner's father.

4.This Court has repeatedly held that a closure report can never be filed on the ground undetected, which is only a stage in the investigation and a final report can never be filed as undetected.

5.In the facts and circumstances of the case, there shall be a direction to the third respondent to continue the investigation in Crime No.16 of 2010 and the first respondent namely, the Commissioner of Police shall monitor the investigation done by the third respondent. The third respondent is directed to effectively continue the investigation and file a final report as expeditiously as possible under the effective monitoring of the first respondent.

6.The petitioner is at liberty to make a detailed representation to the first respondent with regard to the persons against whom the petitioner is having suspicion with regard to the death of his father. It is expected that the respondent Police will continue with the investigation on the information provided by the petitioner effectively.

7.The criminal original petition is disposed of with the above direction. Consequently, CrI MP(MD)No.4101 of 2016 is closed.

Sd/-

Assistant Registrar (Records)

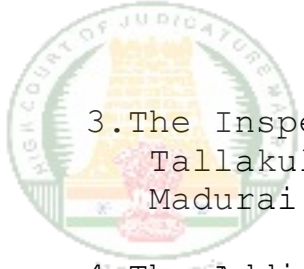
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Sub Assistant Registrar(CS-III)

To

1.The Commissioner of Police,
Office of the Commissioner of Police, Madurai.

2.The Superintendent of Police,
Office of the Superintendent of Police, CBCID, Madurai.
B.B.Kulam, Madurai District.



3.The Inspector of Police,
Tallakulam Police Station,
Madurai District.

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

+ 1 CC TO MR.T.LAJAPATHI ROY, ADVOCATE IN SR NO.87730

DSK

BU/PM/SAR-III:31.10.2018 : 3P/6C

Order made in
Cr1.O.P (MD) No.7028 of 2016
27.09.2018