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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.09.2018

CORAM:
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
Crl.O.P.(MD)No.8584 of 2016

J.Shanmugam :Petitioner/Defacto complainant

Vs.

1.The Superintendent of Police,
Virudhunagar District.

2.The Deputy Superintendent of Police,
Virudhunagar District.

3.The State Rep.by
Inspector of Police,
Veeracholan Police Station,
Narikudi Circle,
Virudhunagar District.
(Crime No.53 of 2016) :Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to direct the third respondent to expedite the investigation in connection of Crime No.53 of 2015 later altered into Cr.No.77 of 2015 dated 04.09.2015 pending before the third respondent and investigate the same and file a final report within the period specified by this Court.

For Petitioner : Mr.M.Balamurugan
For Respondents : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.side)

ORDER

This Criminal Original Petition has been filed for a direction to the third respondent to expedite the investigate in Crime No.53 of 2015, which was later altered into Crime No.77 of 2015.

2.It is the case of the petitioner that his mother was missing from 24.06.2015 and a woman missing complaint was given to the third respondent, which was registered in Crime No.53 of 2015. Subsequently, the petitioner, after 42 days, came to know that a female dead body was found in Anaikulam Kanmai and when the petitioner and his family members rushed to the spot, they found the dead body to be that of the mother of the petitioner. Thereafter,

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the petitioner gave a detailed representation to all the respondents dated 07.09.2015 and also named certain persons against whom the petitioner has suspicion.

3.The learned counsel appearing for the petitioner would submit that subsequent to the death of his mother, the petitioner filed a petition in Crl.O.P.(MD)No.3952 of 2016 seeking for transfer of investigation. This Court passed an order on 07.03.2016 to the effect that the Deputy Superintendent of Police, Thiruchuli was directed to monitor the investigation conducted by the third respondent. Subsequently, an FIR in Crime No.77 of 2015 was registered. Even thereafter, no effective steps was taken by the respondent Police and hence, the petitioner has filed this Criminal Original Petition seeking for a direction to the respondent Police to expedite the investigation in Crime No.77 of 2015.

4.The learned Government Advocate (Crl.side) would submit that the persons who were named as accused by the petitioner have also been investigated and the Police was not able to gather any fruitful information and the incident as projected by the petitioner is an exaggerated version and the respondent Police is not able to find the real persons who are really responsible for the commission of the alleged crime. A status report has also been filed before this Court to that effect.

5.The learned counsel appearing for the petitioner would submit that the Police has only relied upon the postmortem certificate dated 28.10.2017. According to the petitioner, postmortem certificate by itself cannot be a ground to close the case. A look at the postmortem report, clearly reveals that DNA report was made available through which the dead body was identified as the mother of the petitioner. The autopsy doctor was not able to give a definite opinion regarding the cause of the death.

6.The petitioner in this case, who has lost his mother, wants to find a real truth behind the death of his mother. The petitioner has given various complaints to the respondent Police and has been knocking the doors of this Court by filing various petitions. This Court by its order dated 07.03.2016 directed the second respondent to monitor the investigation, which was conducted by the third respondent. The third respondent has submitted a status report stating that the matter has been closed as “action dropped”, since the respondent Police did not find any clue.

7.This Court comes to the conclusion that the investigation can be kept open by the third respondent. The second respondent shall monitor the investigation of the third respondent, in accordance with the order passed by this Court in Crl.O.P.(MD)No.3952 of 2016

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dated 07.03.2016. The respondent Police shall investigate the case in accordance with the clues provided by the petitioner. The incident has happened in the year 2015 and almost three years have gone by and the respondent Police is not able to find any clue in this case.

8.Therefore, there shall be a direction to the third respondent to continue further with the investigation under the supervision of the second respondent and complete the investigation as expeditiously as possible and file a final report in this case. With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (J)

// True Copy //

Sub Assistant Registrar(CS-IV)

To

1.The Superintendent of Police,
Virudhunagar District.

2.The Deputy Superintendent of Police,
Virudhunagar District.

3.The Inspector of Police,
Veeracholan Police Station,
Narikudi Circle,
Virudhunagar District.

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

+1 CC To MR.K.NEETHIMOHAN, Advocate SR. NO. 82398

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