



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 25.06.2019

CORAM
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.6235 of 2016

Kaliyaperumal

..Petitioner

vs.

1. The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai - 600 004.
2. The Superintendent of Police,
District Police Office,
Ariyalur.
3. The Inspector of Police,
Andimadam Police Station,
Ariyalur District.
(Crime No.285 of 2003)

..Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to transfer the case in Crime No.285 of 2003 from the 3rd respondent police to CBCID police for proper investigation and to file final report.

For Petitioners : Mr.G.Pugazhenthir

For Respondents : Mr.C.Raghavan
Government Advocate

O R D E R

This petition has been filed seeking for transfer of the case in Crime No.285 of 2003 from the file of the 3rd respondent to the file of the CBCID.

2. The learned Government Advocate appearing on behalf of the respondent police submitted that the case has been transferred from the file of the 3rd respondent to the file of the CBCID and assigned a fresh crime number in Crime No.01 of 2016. Thereafter, the CBCID took up the investigation and a closure report was filed before the Chief Judicial Magistrate, Ariyalur on 21.03.2018 as undetected.



3. Heard the learned counsel for the petitioner.

4. This Court has already given detailed guidelines to the police with regard to the manner in which man missing complaints will have to be dealt with. A case which is undetectable is only a stage in the investigation and it cannot be a ground to close the case. Therefore, the closure report filed by the CBCID, Ariyalur is unsustainable. The case must be kept alive by the CBCID, Ariyalur and they must proceed further in accordance with the guidelines given by this Court in the case of K. Sukumari vs. The Superintendent of Police, Virudhunagar District, Virudhunagar and others reported in 2018 (2) LW (Crl) 636.

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

Sd/-
Deputy Registrar(CS)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Director General of Police,
Dr. Radhakrishnan Salai,
Mylapore,
Chennai - 600 004.
2. The Superintendent of Police,
District Police Office,
Ariyalur.
3. The Inspector of Police,
Andimadam Police Station,
Ariyalur District.
4. The Public Prosecutor,
High Court of Madras,
Madras.

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PA(CO)

RRS(01/08/2019)