

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

Crl.O.P.No.22914 of 2019

A.Dhanapal

...Petitioner

Vs

1. The Superintendent of Police,
Namakkal District,
Namakkal.
 2. The Inspector of Police,
Crime-Branch Crime Investigation Department,
O/o.Superintendent of Police,
Namakkal District,
Namakkal.
 3. The Inspector of Police,
Kumarapalayam Police Station,
B-Kumarapalayam,
Tiruchengode Taluk,
Namakkal District.
- ...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of CrI.P.C, praying to pass an order of direction by directing the 1st respondent to re-open the case as per the Honourable High Court order dated 29.04.2016 in CrI.O.P.No.6947 of 2016 and change the investigation agency on the basis of the petitioner's representation dated 06.08.2019 from the 3rd respondent to 2nd respondent and to investigate into the matter in accordance with law and to file a final report before the competent Court of law.

For Petitioner : Mr.G.Pavendhan

For Respondents: Mr.C.Iyyapparaj
Additional Public Prosecutor

O R D E R

The petitioner's original complaint dated 29.09.2014 came to be closed. Pursuant to which, the petitioner had filed the petition in CrI.O.P.No.6947 of 2016 before this Court by an order dated 29.04.2016, this Court had directed to re-open the

case and expedite the enquiry by following the dictum laid down in the case of Lalitha Kumari Vs. Govt. of UP and others reported in (2013 (4) Crimes 243(SC) and registered a case, if any cognizable offence though the order dated 29.04.2016, there was no progress in the investigation and therefore the present petition has been filed.

2 The learned Additional Public Prosecutor submitted that pursuant to the orders of this Court in Crl.O.P.No.6947 of 2016, the case was reopened, ten witnesses were examined. Simultaneously, the third respondent herein had also issued various summons to the petitioner. But there was no response from the petitioner. In view of his non-cooperation they are unable to complete the enquiry.

3 It is not in dispute that pursuant to the orders of this Court dated 29.04.2016 reopening the case, the enquiry has not completed even after a lapse of 3 years. The only reason assigned by the respondent police is that the petitioner herein is not co-operating during the course of enquiry.

4 The learned counsel for the petitioner would submit that they are always willing to co-operate with the enquiry. In the back ground of the submissions, this Court is of the view that the ends of justice could be secured, if the 3rd respondent is directed to complete the enquiry within a stipulated period and such enquiry be monitored by the Deputy Superintendent of Police having jurisdiction over the third respondent Police Station.

5 In the light of the above observations, there shall be direction to the third respondent to complete the enquiry on the petitioner's complaint, within a period of two months from the date of receipt of a copy of this order. Such an enquiry shall be monitored by the Deputy Superintendent of Police having territorial jurisdiction over the 3rd respondent herein. The petitioner herein shall also co-operate, during the course of the enquiry.

7 The Criminal Original Petition stands disposed of, accordingly.

-s/d-

Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

sbn/vum

To

1. The Superintendent of Police,
Namakkal District,
Namakkal.
2. The Inspector of Police,
Crime-Branch Crime Investigation Department,
O/o.Superintendent of Police,
Namakkal District,
Namakkal.
3. The Inspector of Police,
Kumarapalayam Police Station,
B-Kumarapalayam,
Tiruchengode Taluk,
Namakkal District.
4. The Public Prosecutor,
High Court of Madras.

+1 CC to Mr.G.Pavendhan, Advocate sr 77846.

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VD(CO)
SP(01/10/2019)



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