

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 29.08.2019

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.23370 of 2019

Balasubramani

... Petitioner

-vs-

The State Rep. by:

The Inspector of Police,
Periyapalayam Police Station,
Periyapalayam, Thiruvallur District.

... Respondent

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the Respondent police to secure the accused who is involved in the Cr.No.321 of 2019 u/s. 341, 294(b), 323, IPC r/w 3(1)(r) & 3(1)(s) of SC/ST (Prevention of Atrocities) Act, 1989 on the file of respondent police within the stipulated period.

For Petitioner : Mr.V.Bhagyaraj

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed seeking for a direction to the respondent police to secure the accused person, who is involved in the offence under IPC and SC/ST Act.

2.The petitioner is the defacto complainant and it was only based on his complaint an FIR came to be registered in Crime No.321 of 2019 for an offence under Sections 341, 294(b), 323 IPC r/w 3(1)(r) & 3(1)(s) of SC/ST (Prevention of Atrocities) Act, 1989 against the accused person.

3.The grievance of the petitioner is that the investigation is not progressing effectively and till date the respondent police have not arrested the accused person.

4.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondent police.

5.A decision to arrest an accused person is exclusively within the domain of the investigating officer and no Court can give any positive direction to that effect. Unless and otherwise the investigating officer deems it fit to arrest an accused person, it is not a compulsory procedure to be adopted in all cases. It depends upon the facts and circumstances of each case. Therefore, the direction as sought for by the petitioner cannot be granted by this Court.

6.However, taking into consideration the facts and circumstances of the case, the respondent police is directed to handover the investigation to the concerned Deputy Superintendent of Police, who is authorised to investigate the case under Rule 7 of SC/ST Rules. The manner in which the investigation has to be conducted is left open to the concerned Deputy Superintendent of Police, who shall expedite the investigation and file a final report or a closure report, as the case may be as expeditiously as possible.

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

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

vs

To

1.The Inspector of Police,
Periyapalayam Police Station,
Periyapalayam, Thiruvallur District.

2.The Public Prosecutor,
Madras High Court, Chennai.

+1 cc to Mr.V.Bhagyaraj Advocate sr74567

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