



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2019

CORAM:

THE HONOURABLE **MR. JUSTICE N. SESHASAYEE**

CrI.O.P. (MD) No. 3850 of 2019

WEB COPY

Vinsent Raj

: Petitioner

/Vs./

1. The Superintendent of Police,
Kanyakumari District, at Nagercoil.

2. The State represented by
The Inspector of Police, Eraniel Police Station,
Kanyakumari District. : Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C to issue a suitable direction, directing the 2nd respondent police to complete the investigation of Crime No.736 of 2012 on the file of the 2nd respondent police and to file a final report within the time stipulated by this Court.

For Petitioner : Mr.M.R.Sreenivasan
For Respondents : Mr.V.Neelakandan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the 2nd respondent police to complete the investigation of Crime No.736 of 2012 on the file of the 2nd respondent police and to file a final report within the time stipulated by this Court.

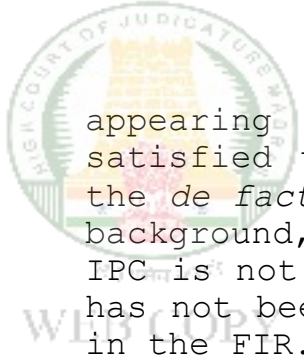
2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor.

3. The learned counsel appearing for the petitioner submitted that the petitioner is the *de facto* complainant, that even though the petitioner has alleged that there was an attempt to strangle, yet the case was registered under Sections 352, 323 and 506(ii) IPC and not one under Section 307 IPC. He further submitted that the petitioner's plea is that the investigation appears to slow pace. The case is registered in the year 2012 and it is 7 years, since it is pending.

4. The learned Additional Public Prosecutor submitted that the investigation will be completed shortly and the final report will be laid.

<https://hcservices.ecourts.gov.in/hcservices/>

5. To appreciate the statement made by the learned counsel



appearing for the petitioner, this Court perused the FIR and satisfied that there is indeed an allegation made in the FIR that the *de facto* complainant has been strangled with a belt. In this background, it is highly intriguing that a case under Section 307 IPC is not registered and it is baffling that the investigation too has not been completed for seven years even for the offences stated in the FIR.

6. This Court therefore directs the Deputy Superintendent of Police, Kulachal to monitor and ensure that the investigation is not only completed to his logical end but it must also display the fairness in doing it. The respondent police is directed to lay the final report within a period of four weeks from the date of receipt of a copy of this order. The Deputy Superintendent of Police, Kulachal is directed to file his compliance report that he has monitored the investigation.

7. With the above direction, this Criminal Original Petition is disposed of.

8. Post for reporting compliance on **16.04.2019**.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar (CS)

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To

1. The Superintendent Of Police,
Kanyakumari District at Nagercoil.

2. The Inspector of Police,
Eraniel Police Station, Kanyakumari District.

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

Copy to:

The Deputy Superintendent Of Police, Kulachal.

1 CC to M/s.M.R.SREENIVASAN, Advocate (SR-54099[F])