



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P. (MD) .No.11041 of 2018
and Crl.M.P. (MD) .No.5003 of 2018

M.Syed Ibrahim

.. Petitioner

Vs.

1.The Inspector General of Police,
South Zone, Madurai.

2.The Commissioner of Police,
Tirunelveli City.

3.The Inspector of Police,
Melapalayam Police Station,
Tirunelveli City,
(Crime No.129 of 2018)

4.The Inspector General of Police,
C.B.C.I.D, Admiralty House,
Chennai.

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to issue a direction directing the 1st and 2nd respondent to withdraw the case in Crime No.129 of 2018 on the file of the 3rd respondent and entrust the same to the 4th respondent herein for investigation of the case by a competent officer and file a final report before the Court concerned within the time stipulated by this Court.

For Petitioner : Mr.A.K.Manickam

For Respondents : Mr.V.Neelakandan,
Additional Public Prosecutor

O R D E R

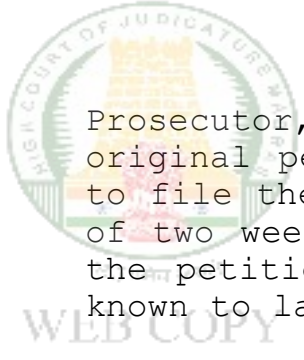
This petition has been filed by the petitioner seeking direction to the 1st and 2nd respondent to withdraw the case in Crime No.129 of 2018 on the file of the 3rd respondent and entrust the same to the 4th respondent herein for investigation of the case by a competent officer and file a final report before the Court concerned within the time stipulated by this Court.



2. Though initially, the Inspector of Police filed a status report before this Court, this Court directed the second respondent to monitor the investigation and to file a status report. Accordingly, the second respondent filed the status report with regard to the investigation. The relevant portion reads as follows:

"It is submitted that the averment of the petitioner, that A9 Jainul Abdeen is a highly influential person and having money and muscle power and hence the police have not take any steps to arrest A9 is totally incorrect and it is an imaginary contention. It is the fact that A9 Jainul Abdeen is not co-operating the police in the investigation. The investigating Officer, finally, has preferred to send summons under 41-A Cr.P.C to A9 Jainul Abdeen through tapal on 13.02.2019 to his address, but A9 has replied through a letter refusing the charges levelled by the petitioner and also he mentioned that he has no hand in the occurrence and he did not instigate anybody to attack the petitioner on the alleged date of occurrence on 26.04.2018. Eventually, A9 has filed an anticipatory bail in the Court of Sessions, Tirunelveli District on 05.03.2019 and got bail order on 07.03.2019 with instructions to sign before the Respondent Police weekly once I.e., on every Monday at 10.30 hours for four weeks. In this case, the eye witnesses (1) Basulul Elaghi (ii) Uthaipa S/o Meeran Mydeen, (iii) Abuthar S/o Meeran Mydeen (iv) Bhadhusa S/o Rasool Mydeen (v) Mydeen S.o Bathurutheen categorically corroborate the statement of the defacto complainant Syed Ibrahim that the Accused 1 to 7 committed the offences u/s 147, 452, 294(b), 307, 324, 323, 506(ii) IPC and during attack they spelled that they attacked the petitioner and Basulul Ilahi since A8 and A9 had instigated them to do away. Now, the present Inspector of Police, is at the verge of completing investigation in this case showing A6 as still absconding. While the 3rd respondent investigated this case in a correct line, No other officials have interfered with the investigation of the 3rd respondent."

3. The learned Additional Public Prosecutor appearing for the state would submit that the charge sheet is ready and since the stay is granted in this present petition, the respondent police unable to file the charge sheet before the concerned Court. However, they are ready to file the charge sheet within a short period.



Prosecutor, this Court is inclined to dispose of the criminal original petition. Accordingly, the respondent police is directed to file the charge sheet before the concerned Court within a period of two weeks from the date of receipt of a copy of this order and the petitioner is at liberty to workout his remedy in the manner known to law.

5. With the above direction, this criminal original petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (Crl. Side)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector General of Police,
South Zone, Madurai.
2. The Commissioner of Police,
Tirunelveli City.
3. The Inspector of Police,
Melapalayam Police Station,
Tirunelveli City,
4. The Inspector General of Police,
C.B.C.I.D, Admiralty House,
Chennai.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+2 CC to M/s.A.K.MANICKAM, Advocate SR Nos.54710,55480

Crl.O.P. (MD) .No. 11041 of 2018
18.03.2019

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SP/PK/03.04.2019 : 3P/8C