



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. (MD)No.16148 of 2017

Madhumathi

: Petitioner

Versus

1.The Deputy Inspector General of Police,
C.B.C.I.D.,
No.220, Pantheon Road,
Egmore,
Chennai-600 008.

2.The District Superintendent of Police,
Madurai District, Madurai.

3.The Inspector of Police,
Peraiyur Police Station,
Madurai District.

4.Kaliraj : Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, transferring the investigation of FIR No.49 of 2016 on the file of the third respondent to the first respondent.

For Petitioner : Mr.R.Murugappan
For Respondents 1to3 : Mr.K.K.Ramakrishnan,
Additional Public Prosecutor
For Respondent No.4 : Mr.A.K.Manickam

O R D E R

This Writ Petition has been filed seeking transfer of investigation of FIR No.49 of 2016 on the file of the third respondent to the first respondent.

2. Heard the submissions made on either side.

3. The grievance of the petitioner is that, her mother, by name Rajendra Mangalam @ Mangalam, who is the wife of the fourth respondent herein, was found missing and her whereabouts are not known. Apprehending that the fourth respondent has murdered the petitioner's mother, she approached this Court by way of filing Habeas Corpus Petition in H.C.P.(MD)No.311 of 2016. Thereafter, the third respondent registered a case under woman missing in FIR No.49 of 2016 on 10.06.2016. Since there is no progress in the investigation for the past three years, the present Writ Petition has been filed.



4. From the perusal of the records, it is seen that already, the petitioner has approached this Court by filing a Habeas Corpus Petition in H.C.P.(MD)No.311 of 2016, wherein, a Division Bench of this Court has held that the respondent police has taken maximum possible steps to trace out the missing woman and the Division Bench also satisfied with the investigation and further directed the respondent police to expedite the investigation. The relevant portion of the order reads as follows:

"3. A number of status reports have also been filed by the second respondent, detailing the steps taken by the police to trace out the missing woman. They have stated that the efforts are still continuing. In our considered view, in the absence of any explanation as to why no complaint was made for about 15 years, after missing of the woman, it is too difficult for us to issue any direction as prayed for in this petition. We are satisfied that, at this length of time, to the maximum possible efforts are taken by the police to trace out the missing woman. Since we are satisfied that the investigation in the case has taken the right direction and this is not a case of illegal detention, we have no option, except to dismiss the petition, with a direction to the police to expedite the investigation."

5. Mr.K.K.Ramakrishnan, learned Additional Public Prosecutor appearing for the respondents 1 to 3 submitted that the third respondent still taking sincere steps to trace out the missing woman. But, so far, they are total clueless. If any information is available with the petitioner, she can provide the same to the third respondent, based on which, the third respondent will conduct further investigation and take all sincere steps to trace out the missing woman.

6. Recording the aforesaid submission made by the learned Additional Public Prosecutor appearing for the respondents 1 to 3, as the investigation has been going on in a proper way and the third respondent is also taking sincere steps to trace out the missing woman, the relief sought for by the petitioner need not be granted at this stage. Hence, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

Sub Assistant Registrar(CS)



To

1.The Deputy Inspector General of Police,
C.B.C.I.D.,
No.220, Pantheon Road,
Egmore,
Chennai-600 008.

2.The District Superintendent of Police,
Madurai District, Madurai.

3.The Inspector of Police,
Peraiyur Police Station,
Madurai District.

+1 CC to Mr.R.MURUGAPPAN, Advocate (SR-71336[F] dated 26/06/2019)

Order made in
W.P. (MD) No.16148 of 2017
Dated: 25.06.2019

SML

MK (15.07.2019) 3P 5C