



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.11.2019

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P. (MD)No.3806 of 2018

J.Ravi Chanthar

... Petitioner

Vs

1. The Superintendent of Police
Kanyakumari District at Nagercoil
- 2.The Assistant Superintendent of Police
Colachel Sub Division, Colachel
Kanyakumari District
3. The Inspector of Police
Eraniel Police Station, Eraniel
Kanyakumari District
4. The Additional Director General of Police
Crime Branch, Criminal
Investigation Department (CBCID)
SIDCO Electronics Complex
Block No.3, 1st Floor
Guindy Industrial Estate
Chennai-32
5. The Inspector
Crime Branch Criminal Investigation
Department (CBCID) Nagercoil
No.7C, Kuringi Street
Ramanputhur, Nagercoil
Kanyakumari District

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the first respondent to transfer the investigation in Crime No.68 of 2014 on the file of the third respondent police to the fifth respondent and file final report before the concerned Court.

For Petitioner : Mr.S.Xavier Rajini

For Respondents : Mr.K.Suyambulinga Bharathi
No.1 to 5 Government Advocate (Crl. side)

ORDER

This Criminal Original Petition has been filed seeking a direction to direct the first respondent to transfer the



investigation in Crime No.68 of 2014 on the file of the third respondent police to the fifth respondent and file final report before the concerned Court.

2. The learned counsel for the petitioner would submit that the mother of the petitioner was residing at Paul Street, Neyoor, Kanyakumari District with two servants. On 31.01.2015 she was found murdered. Further the accused persons have stolen jewels and therefore it is a murder for gain. On the complaint given by the petitioner, the third respondent registered a case in Crime No.68 of 2014 for the offences under Sections 302 and 380 of IPC. Thereafter the third respondent did not take any steps to secure the accused persons and as such the petitioner filed direction petition before this Court in Crl.O.P(MD) No.19530 of 2015 and this Court by an order dated 09.10.2015 directed the third respondent to file final report as expeditiously as possible. Even then the third respondent did not conclude the investigation and filed final report. Hence he has filed the present petition.

3. The learned Government Advocate(Crl.Side) filed the status report and submitted that so far they have examined some of the witnesses and also deputed Assistant Superintendent of Police, Kolachel to monitor the investigation. Further special team were formed by three Sub Inspector of Police to investigate the murder case and investigation is under progress, but unfortunately no useful clues could be obtained from the investigation.

4. Though the third respondent conducted investigation, till today they could not find out the real accused persons. Under such circumstances fresh investigation may be ordered to find out the real accused persons in the murder case. Therefore the investigation in crime No.68 of 2014 pending on the file of the third respondent is hereby withdrawn and the same is transferred to the file of the fifth respondent for fresh investigation.

5. The third respondent is directed to hand over the entire case records to the fifth respondent forthwith and on receipt of the same, the fifth respondent is directed to complete the investigation and file final report before the concerned jurisdictional Magistrate within a period of twelve weeks from the date of receipt of case records from the third respondent.

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

Sd/-

Assistant Registrar (CS-II)

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Kanyakumari District at Nagercoil
2. The Assistant Superintendent of Police
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No.7C, Kuringi Street
Ramanputhur, Nagercoil
Kanyakumari District
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to Mr.S.XAVIER RAJINI, Advocate (SR-95586[F]dated 01/11/2019)

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