

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2020
CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.17578 of 2016

K.B.P.Shankar

.. Petitioner

Vs.

1.The Commissioner of Police
Vepery
Chennai

2.The Inspector of Police
J-6 Police Station
Thiruvanmiyur *
Chennai

.. Respondents

*Instead of Adyar, amended as Thiruvanmiyur
as per order dated 17.08.2020

Criminal Original Petition filed under Section 482 Cr.P.C.
to direct the first Respondent to transfer the case from the
file of the second respondent in Crime No.223 of 2010 to any
other investigation agency.

For Petitioner : Ms.R.Aparna
For Respondents : Mr.L.Charles Premkumar
Govt. Advocate (Crl. Side)

O R D E R

On 13.10.2020, this Court passed the following order :

"When the matter was taken up for hearing,
Mr.L.Charles, learned Government Advocate (Crl. Side)
submitted that the case diary is not available in the
police station. He further submitted that the police
have applied for a certified copy of the FIR in the
Court and even in the Court, it is not available.

2. The Deputy Commissioner of Police, Adyar,
Inspector of Police, J-6 Police Station,
Thiruvanmiyur, Chennai and XVIII Metropolitan
Magistrate, Chennai, are directed to appear before
this Court by video conference on 28.10.2020 at 2.30
p.m.

Post the matter on 28.10.2020 at 2.30 p.m.”

2. Pursuant to the above, Mr.J.Jeya Suthahar, learned XVIII Metropolitan Magistrate, Saidapet, Mr.V.Vikaraman, I.P.S., Deputy Commissioner of Police, Adyar Range, Mr.Ramasundaram, Inspector of Police, J-6 Thiruvanniyur Police Station were present via video conferencing.

3. Heard Ms.R.Aparna, learned counsel for the petitioner and Mr.L.Charles Premkumar, Government Advocate (Crl. Side) appearing for the respondent State.

4. On instructions, Mr.L.Charles Premkumar submitted that, the police were able to trace the case diary and the connected records are also available in the Court of the XVIII Metropolitan Magistrate, Saidapet. He also brought to the notice of this Court that the police had completed the investigation and had filed an action dropped report, which has been accepted by the learned XVIII Metropolitan Magistrate, Saidapet on 23.11.2013. However, Mr.L.Charles Premkumar brought to the notice of this Court that, the police had arrested three accused and three accused were surrendered before the Court. That apart, this Court finds that, the Magistrate had not issued RCS notice to the de facto complainant, before accepting the closure report.

5. In the opinion of this Court, the investigation of this case has been completed hurriedly and a closure report has been filed before the Court and that has also been accepted by the Court, without hearing the de facto complainant.

6. In such view of the matter, this Court sets aside the closure report filed by the police and the order dated 23.11.2013 passed by the learned XVIII Metropolitan Magistrate, Saidapet, accepting the closure report. This Court directs the Assistant Commissioner of Police, Tharamani, to monitor the investigation in J-6 Thiruvanniyur Police Station Crime No.223 of 2010 and the Inspector of Police, J-6 Thiruvanniyur Police Station is directed to conduct a thorough investigation in accordance with law and complete the same within a period of six months from the date of receipt of a copy of this order. It is open to the Investigating Officer to record the further statement of the de facto complainant in this regard.

With the above directions, this Criminal Original Petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The XVIII Metropolitan Magistrate
Saidapet

2.The Commissioner of Police
Veperiy, Chennai

3.The Deputy Commissioner of Police
Adyar Range

4.The Assistant Commissioner of Police
Tharamani

5.The Inspector of Police
J-6 Police Station
Thiruvanmiyur, Chennai

6.The Public Prosecutor
High Court, Madras

CRL.O.P.No.17578 of 2016

NRL (CO)
SP(07/12/2020)