

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2020

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

CRL.O.P.No.32791 of 2013

B.Sherin Banu,
W/o.Bismillah Khan.

... Petitioner /Defacto Complainant

-vs-

1.The Commissioner of Police,
Egmore,
Chennai-600 008.

2.The Inspector of Police (Crime),
J-3, Guindy Police Station,
Chennai-600 032.
(Crime No.205 of 2013)

.... Respondents

Prayer: Criminal Original petition filed under Section 482 of Criminal Procedure Code, to direct the 1st respondent herein to transfer the investigation of the case pending on the file of the 2nd respondent herein in Crime No.205 of 2013 to Crime Branch Criminal Investigation Department (CBCID).

For Petitioner : No appearance.

For Respondents : Mr.R.Ravichandran
Government Advocate (Crl.side)

O R D E R

The petitioner herein filed a private complaint before the second respondent Police against her husband and his friend one Syed Abuthahir for the offence under Section 379 IPC. The said complaint was registered in Crime No.205 of 2013. During the pendency of investigation, the petitioner has filed the present petition to transfer the investigation from the second respondent police to CBCID.

2. When the matter is taken up for hearing, the learned Government Advocate (Crl.side) filed a status report and submitted that after completing investigation, they have filed

the final report on 09.11.2019 as 'Crime Undetected' and the same was sent to the petitioner on 27.01.2020, by RPAD, and therefore, he seeks for dismissal of the petition.

3. None appears on behalf of the petitioner. Heard the learned Government Advocate and perused the records.

4. On a perusal of the status report, it reveals that the complaint was made as early as in the year 2013 and the final report has been filed only on 09.11.2019 and the copy of the report was served on 27.01.2020 by RPAD. In the final report, it has been stated that the respondent police were not able to trace any stolen materials, which itself shows that they have not taken any effective steps. If, they had conducted their investigation in a fair manner within a reasonable time, they would have filed the final report within the time. But, they had filed the final report after nine years. This has happened only due to the lethargic attitude of the Police Department. Therefore, the apprehension of the petitioner is a genuine one.

5. Therefore, this Court feels it appropriate to set aside the final report filed by the 1st respondent police in Crime No.205 of 2013. Accordingly, this Criminal Original Petition is allowed. The respondent Police is directed to handover the entire papers with respect to complaint in Crime No.205 of 2013, to the CBCID, Chennai. On receipt of the entire papers, the CBCID, is directed to investigate the matter afresh and file a final report within a period of six months from the date of receipt of copy of this order.

6. Since, the complaint is of the year 2013 and the F.I.R. was also registered on 06.02.2013, but the respondent Police had not conducted the investigation within the reasonable time. However, they have filed the final report on 09.11.2019. This is only to avoid adverse remarks by this Court. Therefore, the Commissioner of Police, Greater Chennai, is directed to take action against the Station House Officers, who were responsible for the delay in conducting the investigation from the year 2013 to 2019 and to file the final report. The Commissioner of Police, Greater Chennai, is further directed to file the action taken report before this Court on or before 25.02.2020.

7. Post on 26.02.2020 "For Reporting Compliance".

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rm
To

- 1.The Commissioner of Police,
Egmore, Chennai-600 008.
- 2.The Inspector of Police (Crime),
J-3, Guindy Police Station, Chennai-600 032.
(Crime No.205 of 2013)
- 3.The Public Prosecutor,
High Court, Madras.
- 4.The Officer Incharge,
CBCID, Chennai.

Copy to

The Section Officer,
Criminal Section, High Court, Madras-104.

सत्यमेव जयते

CrI.O.P.No.32791 of 2013

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srg 17/02/2020

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