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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.03.2020

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.34479 of 2019

Mr.Kadamban

... Petitioner

Vs

1.State by,
The Superintendent of Police,
Cuddalore District, Cuddalore.

2.The Inspector of Police,
Ramanatham Police Station,
Cuddalore District.

3.Central Bureau of Investigation,
Shastri Nagar, Adyar,
Chennai 600 020
Crime No.72/13.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to direct the 2nd respondent police namely the Inspector of Police, Ramanatham Police Station, Cuddalore District to reopen and transfer the investigation of the case in Crime No.72/2013 to the Central Bureau of Investigation, Shastri Nagar, Adyar, Chennai 600 020 and to file a final report within a stipulated time.

For Petitioner : M/s.T.Nityha

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

The petition has been filed to direct the 2nd respondent police namely the Inspector of Police, Ramanatham Police Station, Cuddalore District to reopen and transfer the investigation of the case in Crime No.72/2013 to the Central Bureau of Investigation, Shastri Nagar, Adyar, Chennai 600 020 and to file a final report within a stipulated time.



2. On perusal of records, it appears that a compliant was lodged by the petitioner alleging that his mother, who was aged about 90 years, was found murdered when she was asleep in her house at night on 26.03.2013 and the jewels worn by her were found missing. On his complaint, an FIR was registered in Crime No.72/2013 for the offences under Sections 397, 302 of IPC. Due to the inaction of the 2nd respondent police on the complaint filed by the petitioner, the petitioner approached this Court in CrI.O.P.No.14253 of 2014 for transfer of investigation to CBCID, in which, this Court directed the 2nd respondent to conduct the investigation and also directed the 1st respondent to periodically monitor the investigation and to complete the investigation within a period of six months.

3. Even then, the 2nd respondent did not comply with the aforesaid order of this Court and hence, the petitioner filed a contempt petition in Cont.P.No.1655 of 2019. In the contempt petition, the 2nd respondent filed a counter affidavit, stating that they could not detect the accused and the case was closed as undeductable one and they have also served R.C.S. Notice No.4 of 2015 on the petitioner. However, the petitioner disputes the service of RCS Notice on him.

4. Learned counsel for the petitioner submits that the persons involved in this case are politically influenced and hence, the 2nd respondent is unable to secure the accused in this case and moreover, the 2nd respondent police closed the case as undetectable. Hence, the learned counsel prays to reopen and transfer the investigation of the case to CBCID.

5. Per contra, learned Additional Public Prosecutor appearing for the respondents refuted the contentions.

6. Considering the above facts and circumstances of the case and also the facts that the petitioner's mother, aged about 90 years, was allegedly murdered for want of jewels, and the case was closed as undetectable, this Court is of the opinion that the case needs to be reopened and investigated further. Thus, in the interest of justice, the closure report that was filed by the 2nd respondent as undetectable and the RCS Notice No.4 of 2015 in Crime No.72/2013 are set aside and the case in Crime No.72/2013 on the file of the 2nd respondent is reopened and transferred to the CBCID, Cuddalore for further investigation, Superintendent of Police, CBCID is directed to entrust the matter to the competent investigation officer attached to CBCID, Cuddalore and directed to conduct appropriate and fair investigation in the aforesaid case and file a final report within a period of three months from the date of receipt of a copy of this order.



7. Accordingly, this Criminal Original Petition is allowed.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Superintendent of Police,
Cuddalore District, Cuddalore.

2. The Inspector of Police,
Ramanatham Police Station,
Cuddalore District.

3. Central Bureau of Investigation,
Shastri Nagar, Adyar,
Chennai 600 020
Crime No.72/13.

4. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.T.Nithya, Advocate Sr.20539

Cr1.O.P.No.34479 of 2019

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srg 14/07/2020