



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2020

CORAM:

THE HONOURABLE Mr.JUSTICE R.PONGIAPPAN

CRL OP(MD)No.8775 of 2020

WIP COPY
Sarmila,

...Petitioner/Defacto Complainant

Vs.

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

2.The Inspector of Police,
All Women Police Station,
Paramakudi,
Ramanathapuram District.
(Crime No.5 of 2019)

... Respondents

PRAYER: Petition filed under Section 482 of Criminal Procedure Code, praying to issue a direction to withdraw the case in Crime No.5 of 2019, dated 26.09.2019, on the file of the second respondent and entrust the same to any other competent officer for an investigation, within the time to be fixed by this Court and file a final report before the concerned Jurisdictional Magistrate.

For Petitioner : Mr.R.Venkatesan

For Respondents : Mr.S.Chandrasekar
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking a direction to the first respondent to withdraw the case in Crime No.5 of 2019, dated 26.09.2019, from the file of the second respondent and entrust the same to any other competent officer, for conducting appropriate investigation.

2.Today, when the Criminal Original Petition is taken up for hearing, Mr.S.Chandrasekar, learned Additional Public Prosecutor appearing for the respondents, on instructions, would submit that after the alleged occurrence, the first accused, being the Military person, moved to Jammu and Kashmir, for attending his work. He would further submit that due to the above reason, the respondent police is not in a position to secure the said accused/main accused. However, the learned Additional Public Prosecutor undertakes before this Court that the investigation in this matter will be completed within a period of three months from the date of receipt of a copy of this order.



3. Heard the learned counsel appearing for the petitioner.

4. Considering the facts and circumstances of the case, this Court is of the view that the second respondent police had not voluntarily kept the case pending without any further investigation. However, it would be appropriate to give some suitable direction to the police officers to complete the investigation and file the final report in this matter. Accordingly, the second respondent police is directed to complete the investigation within in a period of three months from the date of receipt of a copy of this order and file final report without fail. The Deputy Superintendent of Police, Paramakudi Town, Ramanathapuram District, is directed to monitor the investigation periodically till the filing of final report.

5. Accordingly, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.
2. The Inspector of Police,
All Women Police Station,
Paramakudi,
Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:- The Deputy Superintendent of Police,
Paramakudi Town, Ramanathapuram District.

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