



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE **R. PONGIAPPAN**

Crl.O.P. (MD)No.9287 of 2020

WEB COPY

Prabu

... Petitioner/A1

Vs.

1.The Sub Inspector of Police,
Keelasevalpatti Police Station,
Sivagangai District.
(Crime No.117 of 2020)

... Respondent

2.Ganesan

... Respondent/De-facto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the respondent police to file a final report within a stipulated time granted by this Court in Crime No.117 of 2020 before the learned Judicial Magistrate, Tiruppatur.

For Petitioner	: Mr. P.Shanmuga Raja
For 1st Respondent	: Mr.S.Chandrasekar
	Additional Public Prosecutor

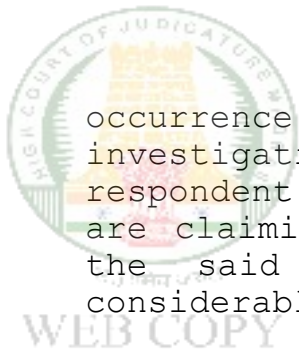
O R D E R

This petition has been filed seeking direction to the first respondent to file a final report in connection with Crime No.117 of 2020 on the file of the respondent police.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the first respondent.

3.In general, whenever any information in relation to commission of cognizable or non-cognizable offence is received, the police officer shall adhere to the procedure contemplated under Sections 154 & 155 of the Criminal Procedure Code and after conducting necessary enquiry/investigation, file final report under Section 173 of Cr.P.C. Such investigation under Chapter XII of the Criminal Procedure Code shall be completed without any unnecessary delay. The delay in filing a final report in the present case is inordinate and unjustified. Hence, it would be appropriate to direct the Investigating Officer to file a final report within a stipulated time, if not already filed.

4.In this regard, the learned Additional Public Prosecutor appearing for the first respondent, on instructions, would submit that the petition mentioned First Information Report has been registered for the offence punishable under Section 379 of IPC, in which the defacto-complainant made allegations against the petitioner as the petitioner had stolen the Hitachi, at the time of



occurrence. He would further submit that during the time of investigation though the said property was recovered by the respondent police, both the petitioner and the defacto complainant are claiming the right over the stolen property. Only because of the said reason, the first respondent police has taken a considerable time to investigate the case.

5.Upon considering the submission made by the Additional Public Prosecutor with the averments found in the First Information Report, it is not in dispute that as of now the stolen property was recovered and kept in the custody of the respondent police. If the same is kept in the sun light without any precaution, there may be a chance for changes in the machine ultimately which leads that the vehicle may not be used further. Therefore, it would appropriate to direct the first respondent police to complete the investigation as early as possible preferably, within a period of four weeks from the date of the receipt of a copy of this Order, in Crime No.117 of 2020, pending on his file and file a final report.

6.Accordingly, this Criminal Original Petition is disposed of with a direction to the first respondent police to complete the investigation in Crime No.117 of 2020, pending on his file and file a final report within a period of four weeks from the date of the receipt of a copy of this Order.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

RM

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 Sub Inspector of Police,
Keelasevalpatti Police Station, Sivagangai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P.[MD]No. 9287 of 2020

AP(11/09/2020) 2P 3C

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