



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.08.2020

CORAM:

THE HONOURABLE Mr.JUSTICE R.PONGIAPPAN

CRL OP(MD)No.9027 of 2020

Mohan Prasanthkumar

... Petitioner/De-facto
Complainant

Vs.

The State Rep.by
The Sub-Inspector of Police,
Ottanchathiram Police Station,
Dindigul District.

... Respondent

PRAYER: Petition filed under Section 482 of Criminal Procedure Code, to issue a direction, directing the respondent to file a charge sheet in FIR in Crime No.527 of 2018, dated 11.09.2018.

For Petitioner : Ms.J.Balameenakshi

For Respondent : Mr.A.P.G. Ohm Chairma Prabhu
Govt.Advocate

O R D E R

This Criminal Original Petition has been filed, seeking a direction, to direct the respondent to file the final report in Crime No.527 of 2020, dated 11.09.2018, which registered for the offence under Sections 420, 465, 468 and 471 of IPC.

2. Today when the petition is came up for hearing, the learned Government Advocate appearing for the respondent, on instructions, would submit that the petition mentioned case has been registered based on a direction given by the learned Judicial Magistrate, Ottanchathiram. In the complaint given by the petitioner, he made allegation against the proposed accused, as he had received the money after making a false promise that he would get job in the Court. He would further submit that immediately after registration of the case, the proposed accused was given direction by the respondent to appear before the respondent police, but instead of appearing before the respondent police, he switched off his mobile phone and now he was absconding for the past two years. In this regard, a special team has been constituted for the purpose of



securing the real accused and searches were made continuously.

3. The submission made by the learned Government Advocate is considered. Though the reasons assigned by him for non-filing of the charge sheet may be a reasonable one. Since the case has been registered in the year of 2018, it is the duty vested upon the respondent Police to complete the investigation within a reasonable period.

4. 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.

5. Further, in the Judgment rendered by our Hon'ble Apex Court in ***Surya Baksh Singh Vs. State of Uttar Pradesh*** reported in **(2014 (14) SCC 222)** in paragraph 25, it has been held as follows:

"25....We reiterate that there is an alarming and sinister increase in instances where convicts have filed appeals, apparently with a view to circumvent and escape undergoing the sentences awarded against them. The routine is to file an appeal, apply and get enlarged on bail or get exempted from surrender, and thereafter wilfully to become untraceable or unresponsive. It is the bounden duty cast upon the Judge not merely to ensure that an innocent person is not punished but equally not to become a mute spectator to the spectacle of the convict circumventing his conviction. (See *Stirland v. Director of Public Prosecution*, quoted with approval by Arijit Pasayat, J in *State of Punjab V. Karnail Singh*.) If the court is derelict in doing its duty, the social fabric will be rent asunder and anarchy will rule everywhere. It is, therefore, imperative to put an end to such practice by the expeditious disposal of appeals....."

6. Therefore, by following the observation made by our Hon'ble Apex Court, in this case also, it is necessary to issue direction to the respondent police to complete the investigation, after securing the prime accused, within a period of two months.



7. In the result, this Criminal Original Petition is allowed and the respondent Police is directed to secure the accused and complete the investigation within a period of two months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (AS)

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// True Copy //

/ /2020

Sub Assistant Registrar(CS)

MPK

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,
Ottanchathiram Police Station,
Dindigul District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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AP(08/09/2020) 3P 3C