



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 01.09.2020

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THE HONOURABLE MR. JUSTICE R.PONGIAPPAN

W.P. (MD)No.10549 of 2020

N.Suganya ... Petitioner

Vs.

1.The Revenue Divisional Officer,
Revenue Divisional Office,
Thirumangalam,
Madurai District.

2.The Superintendent of Police,
Madurai District,
Madurai.

3.The Inspector of Police,
E-1, Thirumangalam Town Police Station,
Thirumangalam,
Madurai District.

4.The Thasildar,
Thirumangalam,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the respondents herein to lock and seal the house situated at Door No.51, Mayandi Nagar, Thirumangalam, Madurai District, till the completion of the investigation in Crime No.793 of 2020, on the file of the third respondent police, by considering the petitioner's representation dated 08.08.2020.

For Petitioner : Mr.C.Senthil Murugan

For Respondents : Mr.S.Chandrasekar
Additional Public Prosecutor

ORDER

This Writ Petition has been filed praying for issuance of a Writ of Mandamus, directing the respondents to lock and seal the house situated at Door No.51, Mayandi Nagar, Thirumangalam,



Madurai District, till the completion of the investigation in Crime No.793 of 2020, on the file of the third respondent police, by considering the representation given by the petitioner, dated 08.08.2020.

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2.The grievance of the petitioner is that based on the complaint given by her, the third respondent herein registered a case in Crime No.793 of 2020 under Section 174 Cr.P.C. and subsequently, it was altered into Sections 342, 302 and 120-B I.P.C. After registration of the said case, the investigation officer had not visited the place of occurrence viz., petition mentioned house and also not recovered the material objects, which are all necessary to prove the alleged occurrence narrated in the complaint given by the petitioner. Therefore, if the prayer sought for by the petitioner is not granted in her favour, there will be a chance for the accused to escape from the clutches of law.

3.In this regard, the learned Additional Public Prosecutor appearing for the respondents, on instructions, would submit that immediately after registration of the case, the third respondent herein visited the place of occurrence and after preparing the Observation Mahazar and Rough Sketch, he recovered the weapon, which was used for the commission of offence by the accused. He would further submit that in respect of the petition mentioned crime number, the Investigation Officer has examined 11 witnesses so far and also recorded their statements. Moreover, the accused involved in the said case is still in judicial custody. Therefore, the prayer sought for by the petitioner cannot be granted.

4.Upon considering the arguments advanced by the learned counsel appearing on either side, I am of the considered opinion that the duty cast upon the investigation officer is, to complete the investigation immediately after registration of the case by following the procedure found in Chapter XII of the Code of Criminal Procedure.

5.In this regard, the submissions made by the learned Additional Public prosecutor is made clear, as immediately after registration of the case, the third respondent/investigation officer visited the scene of occurrence and collected the materials, which are all available, from there. Therefore, ordering lock and seal is unnecessary and the same is no way helpful to the investigation, particularly, for proving the case of the prosecution. Moreover, the apprehension raised by the petitioner is unreasonable. Further, this Court is not in a position to direct the investigation officer to proceed with the



investigation in a particular manner. The above said facts and circumstances of the case would clearly reveal the fact that the prayer sought for by the petitioner is devoid of merits. Hence, this Writ Petition is dismissed. No costs.

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Sd/-

Assistant Registrar(CS-III)

// True Copy //

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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 Revenue Divisional Officer,
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Thirumangalam,
Madurai District.
- 2.The Superintendent of Police,
Madurai District,
Madurai.
- 3.The Inspector of Police,
E-1, Thirumangalam Town Police Station,
Thirumangalam,
Madurai District.
- 4.The Thasildar,
Thirumangalam,
Madurai District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

W.P. (MD)No.10549 of 2020
01.09.2020

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