



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P. (MD)No.13721 of 2020

Senthilkumar

... Petitioner

vs.

1)The State rep. by,
The Commissioner of Police,
Madurai City,
Madurai.

2)The Inspector of Police,
S.S.Colony Police Station,
Madurai City.
(Crime No.117 of 2017)

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C, directing the 2nd respondent police to complete the investigation and file a final report in Crime No.117 of 2017 dated 09.02.2017 on the file of the 2nd respondent police within the time stipulated by this Court.

For Petitioner : Mr.Suresh Samson

For Respondents : Mr.V.Neelakandan

Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the 2nd respondent police to complete the investigation and to file a final report in Crime No.117 of 2017 dated 09.02.2017 on the file of the 2nd respondent police within the time stipulated by this Court.

2.The learned counsel for the petitioner would state that the petitioner's uncle Shankar and his wife decided to go to Dubai to see their children and therefore, they approached the petitioner and handed over the gate key of their house situated at DSP Nagar, 2nd Street, Bye-pass Road, Madurai, for watering the plants in the house till their arrival. While so, on 08.02.2017, when the petitioner went to his uncle's house for watering the plants, he found the front door of the house broke opened and household articles and clothes were scattered. The petitioner informed the same to his uncle who in turn informed the same to one Muthukumar who is also the petitioner's another uncle and thereafter, the petitioner lodged a complaint to the 2nd respondent police on 09.02.2017 about the house break and theft by thieves and based on



the same, a case on Crime No.117/2017 has been registered for the offences under Sections 457 and 511 of IPC against the unknown accused persons. Thereafter, the petitioner's uncle Shankar came down to India and found that 7 sovereigns of gold chain and 4 sovereigns of two gold bangles were stolen by the thieves and he informed the same to the police by way of written statement. Thereafter, there was no action taken on the complaint and the petitioner and his uncle were driven from pillar to post and therefore, the petitioner's uncle sent a detailed representation dated 08.02.2019 to the 1st respondent requesting him to direct the 2nd respondent to complete the investigation and to recover the stolen goods. According to the petitioner, even thereafter, no action has been taken to complete the investigation and to file the final report in the above case. Hence this petition.

3.The Inspector of Police, S.S.Colony Police Station, Madurai City, has filed a status report. The learned Additional Public Prosecutor would state that originally case was registered in Crime No.117/2017 for the offences under Sections 457 and 511 IPC and preliminary investigation was conducted. He would state that the version of the complainant and his uncle Shankar is quite contrary and only after lapse of three months from the date of lodging FIR, the petitioner's uncle gave a statement regarding missing of jewels and after recording his 161(3) statement, the case was altered to Sections 457 and 380 IPC on 27.05.2017. He would further state that enquiry and serious search has been conducted in and around the occurrence place and further the finger print found in the front door of the house is being analysed and waiting for comparison and a special team of police officials is formed under the supervision of the 2nd respondent and the police is trying to fix the accused as early as possible and the investigation has been speed up in all angles by enquiring other crime accused those who were involved in house breaking cases. Thus, the learned Additional Public Prosecutor would state that the respondent/police will file final report within a time frame.

4.Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the respondents.

5.After going through the status report filed by the 2nd respondent, this Court is satisfied that the investigation in this case is going in the right direction and now a special team has been formed to apprehend the culprits and detect the property of this case. Considering the submissions made by the learned Additional Public Prosecutor, the 2nd respondent/police is directed to complete the investigation and file the final report within a period of four months from the date of receipt of a copy of this



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With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS-III)

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/ /2021

Sub Assistant Registrar (CS)

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To

1)The Commissioner of Police,
Madurai City,
Madurai.

2)The Inspector of Police,
S.S.Colony Police Station,
Madurai City.

3)The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 cc to Mr.Suresh Samson , Advocate SR.No.25661

ORDER MADE IN
Crl.O.P.(MD)No.13721 of 2020
DATED : 15.12.2020

KM (06.01.2021) 3P 5C